

the Transportation Subcommittee to have Amtrak extend to Maine to get this little bridge fixed up to there, to get that little road fixed up there. Never was it said in these requests, "Now I know that we are asking for more than we should based on what we paid into the fund." The request was a legitimate one to the Federal Government.

Colorado—I know Colorado well. It is a State I love and have visited many times. I have recommended funding for Colorado highways, viaducts—the 23d Street viaduct in Denver, CO, because it was recommended. I recommended supporting the funding there. And it goes on place after place after place.

So this sudden shock that suggests that, "Well, you want the States to pay for their miscreants? You want States to pay for their deeds that they commit that cost the Government money?" Yes. Of course. Everybody pays their fair share. That is the way the game gets played. We are not talking about taking away food stamps or farm subsidies. We are talking about a very specific thing related to a very specific group which has a high incidence of injury and death relative to other types of transportation—very high incidence, often long-term illness, lifetime in many cases, for whom we pay extraordinarily high costs.

What the amendment of the Senator from Texas says is, if you do not take the appropriate precautions, that is a right that apparently is yours. But you have no right to assess the rest of the country bills for decisions that you make that cost us money. We have all kinds of laws regulating behavior.

I am surprised that we are debating this. We have laws against drinking and driving. We have laws against driving without a license. We have all kinds of laws that say this is the way society ought to conduct itself. We are, I remind my friends, a nation of laws. That means that there is a structure of conduct of behavior, to use the term of the Senator from Maine. There is a structure of behavior that you have to have in a society that has 250 million people, many with different interests, different backgrounds, different ideas about how we ought to conduct ourselves.

So we are a nation of laws. As a consequence of that we are going to be subject to some laws that we do not like. We are going to be subject to some restrictions that we may disagree with. But it is an essential factor in a complex society, in a complex world.

So we can disagree on a particular thing or another without suggesting that the sky is falling down, and that, if you do one thing, it is going to hurt everything else. Each one of these subjects is fair game. If someone wants to propose an amendment that would have penalties for not using sensible safety rules within a State, they have the right to do it. That is the nature of things. But let not the Senator from Texas be cowed by the threat that per-

haps there will be other amendments to follow.

We are here. We are here to do what we have to do in the interest of this highway bill. And if these amendments affect that, then I think we just have to proceed ahead.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

#### ORDER OF PROCEDURE

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate go into morning business not to exceed a minute and a half, and then return to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SENATOR WARNER'S VOTE ON CLOTURE

Mr. WARNER. Mr. President, at the present time my office is being overwhelmed with pressing calls with respect to the scheduled cloture vote tomorrow.

I wish to announce at this time that my vote tomorrow will be consistent with my vote today which is in opposition to cloture.

I thank the Chair.

#### NATIONAL HIGHWAY SYSTEM DESIGNATION ACT

The Senate continued with the consideration of the bill.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I would like to take a couple of minutes to finish and answer just a couple of things that were said.

First, in relation to what the Senator from New Jersey said, I do not think that we need to talk about what other areas might arise from some innovative approach to this amendment. This amendment is very simple and very straightforward. We are not talking about penalizing the States. We are talking about letting them do as they wish, do something that could add to the medical costs because we know this is a safety issue, and if they decide to exercise that right that they take the responsibility for it.

I think it is pretty simple. I think that Members are going to start seeing as we go down the road pursuing the unfunded mandates theory, and as we are turning things back to the States, the States are going to take responsibility for what they do. That is part of returning the power to the States, which I think is right thing to do.

So I support the underlying amendment. This is not a gutting amendment at all. It is an amendment that I think is the correct thing—that, if the States decide that they are going to opt out from the Federal helmet laws, they

take the responsibility for doing that. I think it is very simple and straightforward.

I urge the adoption of the amendment.

Thank you, Mr. President.

I yield the floor.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Thank you, Mr. President.

Just very briefly in response to what the Senator from New Jersey was talking about, that we have laws with respect to the drunk driving. The interesting part is how this amendment would not have an impact on somebody who is drunk while driving, or reckless driving, or somebody who overdoses on drugs, and all of these categories. They happen to be eligible for Medicaid, and Medicare. They still will get medical care. But a motorcycle rider who may not be wearing a helmet, abiding by State laws, gets in an accident, may not be any fault of their own, but would be denied medical care because they were not wearing a helmet even though they were abiding by that State's law, I do not think that is the approach that we should adopt.

I urge Members of the Senate to reject the amendment offered by Senator HUTCHISON.

Ms. SNOWE. Mr. President, I make the motion to table the amendment.

The PRESIDING OFFICER. The question is on the motion.

Ms. SNOWE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine to lay on the table the amendment of the Senator from Texas. On this motion, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Arizona [Mr. MCCAIN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 60, nays 39, as follows:

[Rollcall Vote No. 275 Leg.]

#### YEAS—60

Abraham	D'Amato	Inhofe
Ashcroft	Daschle	Jeffords
Baucus	DeWine	Kassebaum
Bennett	Dole	Kempthorne
Bingaman	Domenici	Kohl
Boxer	Dorgan	Kyl
Bradley	Exon	Leahy
Brown	Feingold	Lott
Burns	Frist	Lugar
Campbell	Graham	McConnell
Coats	Grams	Moseley-Braun
Cochran	Grassley	Murkowski
Cohen	Gregg	Nickles
Conrad	Hatch	Nunn
Coverdell	Hatfield	Packwood
Craig	Helms	Pressler

Roth  
Santorum  
Shelby  
Simpson

Smith  
Snowe  
Stevens  
Thomas

Thompson  
Thurmond  
Warner  
Wellstone

# NAYS—39

Akaka  
Biden  
Bond  
Breaux  
Bryan  
Bumpers  
Byrd  
Chafee  
Dodd  
Faircloth  
Feinstein  
Ford  
Glenn

Gorton  
Gramm  
Harkin  
Heflin  
Hollings  
Hutchison  
Inouye  
Johnston  
Kennedy  
Kerrey  
Kerry  
Lautenberg  
Levin

Lieberman  
Mack  
Mikulski  
Moynihan  
Murray  
Pell  
Pryor  
Reid  
Robb  
Rockefeller  
Sarbanes  
Simon  
Specter

## NOT VOTING—1 McCain

So, the motion to lay on the table the amendment (No. 1443) was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I yield to the Senator from Maine.

Ms. SNOWE. I thank the majority leader. I am prepared to have a voice vote on the underlying amendment. I ask unanimous consent to vitiate the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Maine.

The amendment (No. 1442) was agreed to.

Ms. SNOWE. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 1437

Mrs. MURRAY. Mr. President, I was necessarily absent last evening, attending the high school graduation of my son, Randy.

I would have voted against the Smith amendment lifting penalties against States for not having helmet or seat belt laws.

This issue for me, comes down to the simple question of safety. An issue that is bipartisan and noncontroversial. In fact, a recent comprehensive consume survey shows that 82 percent of Americans support a strong Federal role in safety.

How can we then support a step backward against the giant gains we have made in highway accident and injury prevention. According to the National Highway Traffic Safety Administration, from 1983 to 1993, safety belts saved more than 40,000 lives and prevented \$88 billion in economic losses by reducing health care costs and productivity losses. In 1993 alone, motorcycle helmet laws in 25 States saved 515 lives, prevented 2,035 moderate to serious injuries, and saved \$513 million in economic losses.

As a former State senator, I understand State's rights, but let us legislate on the side of safety and human life.

Mr. JEFFORDS. Mr. President, I would like to engage my colleague

from Rhode Island in a colloquy on Federal oversight of the design of projects in Vermont that are on non-interstate portions of the National Highway System [NHS].

First, Mr. President, I would like to acknowledge the hard work that committee staff, my staff, the U.S. Department of Transportation and the Vermont Agency of Transportation have put in on the NHS-design issue. All the parties have acknowledged that Vermont's mountainous terrain and historic villages present a unique challenge when designing highway and rural road improvements. It has been the goal of the parties to come up with solutions that do not adversely affect Vermont's small communities and rural landscape.

Mr. President, the 1991 Intermodal Surface Transportation Efficiency Act placed control for the design of highway improvements off the NHS in the hands of the individual States. It has been our experience in Vermont that this has improved communications with local citizens on highway projects and lowered project costs. It is the Vermont Agency of Transportation's desire to assume primary responsibility for the management of its transportation system, including those non-interstate roads proposed for the National Highway System. Representatives of the U.S. Department of Transportation have assured Vermont transportation officials that such control and flexibility can be provided for the non-interstate NHS roads through existing provisions of the United States Code, title 23.

Mr. CHAFEE. The Senator from Vermont is correct.

Mr. JEFFORDS. Vermont has been assured by the U.S. Department of Transportation that under section 117, United States Code title 23, the Vermont Agency of Transportation can be granted the authority to provide design exceptions at its discretion on non-interstate NHS roads. Further, Vermont has been assured that it may determine the scope of non-interstate NHS projects. These projects include simple road and bridge resurfacing, while more comprehensive improvements undergo the necessary planning and design process.

Mr. CHAFEE. The Senator's understanding is correct.

Mr. JEFFORDS. To ensure that a common understanding exists on the above matters between the U.S. Department of Transportation and Vermont transportation officials, Vermont has been assured by the Federal Highway Administration's Deputy Administrator Jane Garvey and other high-level Federal highway officials that she and these officials will visit Vermont in the near future to discuss these matters. Following this visit and drawing on the provisions of section 117 of the United States Code, title 23, Vermont has been assured that an agreement will be executed that will grant Vermont the authority required

to assume primary responsibility for the management of its transportation system, including the non-interstate roads on the NHS.

Mr. CHAFEE. The Senator accurately states my understanding of the intent of the agreement between the U.S. Department of Transportation and the Vermont Agency of Transportation.

Mr. JEFFORDS. I thank the Senator from Rhode Island.

## CHANGE OF VOTE

Mr. DOMENICI. Mr. President, on rollcall vote 271, I voted "yes." It was my intention to vote "no." Therefore, I ask unanimous consent that I be permitted to change my vote. This will in no way change the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Virginia.

Mr. WARNER. Mr. President while we have the two leaders on the floor, I wonder if we might explore the possibility of finishing the pending matter tonight.

I wish to advise the Senate there are 26 amendments pending. Of that number of amendments, it is my assessment that only four will require rollcall votes, and the balance can be resolved, hopefully, by the managers.

I see present on the floor a number of the Senators associated with the amendments that could require rollcall votes. If I might identify the Members: Senator ROTH has an amendment; the distinguished former leader, Senator BYRD; and the Senator from North Dakota, Mr. DORGAN. Those are the amendments that I feel will require votes.

If we could get time agreements and finish those amendments, I think we can work out the balance of the amendments. This bill would be ready for final passage late tonight, or whenever the leaders desire tomorrow.

Mr. DOLE. I have not had a chance to discuss this with my colleague, Senator DASCHLE, the Democratic leader, but I hope we can finish it this evening if we can obtain time agreements. Four amendments would not take that much time. We had a short night last night because of two or three very special events which presented conflicts for many of our colleagues.

I would certainly be willing, and I do not think the Senator from South Dakota has any objection.

Mr. DASCHLE. I have no objection, and I would like to continue to work.

I know a number of Senators are prepared to offer their amendments. They are here on the floor. I think we ought to proceed.

Mr. WARNER. Mr. President, I will await the return of my comanager, the Senator from Montana. But seeing three of the proponents on the floor, I ask the Senator from Delaware if a period of an hour and a half equally divided would be suitable for the disposition of the amendment, together with Senator BAUCUS; is that correct?

Mr. ROTH. That would be most satisfactory.

Mr. WARNER. I thank the Senator for his cooperation. I now ask the distinguished Senator from West Virginia, with respect to his amendment if an hour equally divided would meet his requirements?

Mr. BYRD. Mr. President, an hour equally divided would be agreeable to me. However, if I am going to be 9 o'clock tonight calling up my amendment, having an opportunity—I have been here all day and I indicated yesterday I would be ready to call up my amendment the first thing today. As I understand it, there is a kind of lineup.

I know what my rights are. Under the rules I can get recognition to call up my amendment any time. I want to cooperate with the managers and therefore I have no objection to one or two others going first, but I do not want to have an agreement on my amendment and then call it up here at 9 o'clock tonight.

Mr. WARNER. Mr. President, we will work with the sponsors of the amendments as to the sequence and timing, either today or should the leadership grant us time in the morning, to do it then. But I thank the Senator for indicating the time within which presumably the Senator from Montana and I might be able to get a time agreement—just as to the time of the amendments. The sequencing would be left open.

Mr. BYRD. Yes. I do not like sequencing, generally speaking. I like to follow the rules of the Senate.

Mr. WARNER. Fine.

Mr. BYRD. But may I say to the Senator, if we are not going to finish it today, if we are going to go over to tomorrow, I would prefer to go over to tomorrow now that it is 4:30 in the afternoon.

Mr. WARNER. Mr. President, that is a matter the leadership will have to decide.

I thank the Senator from West Virginia.

I now ask the Senator from North Dakota with respect to his amendment, the amount of time required to be equally divided?

Mr. DORGAN. What amount of time?

Mr. WARNER. Yes.

Mr. DORGAN. I would agree, as I previously discussed with the Senator from Virginia, to 40 minutes, 20 minutes on each side.

If the Senator from Virginia would be inclined to accept my amendment I would do it in 5 minutes.

Mr. WARNER. At this time, I say to my good friend, Mr. President, I will look at it but I am not able to assure him.

If I could put down 40 minutes equally divided for the amendment sponsored by the Senator from North Dakota?

Mr. DORGAN. Fine.

Mr. WARNER. It gives the managers some area in which they can work.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks time?

The Senator from Delaware.

AMENDMENT NO. 1444

(Purpose: To permit States to use Federal highway funds for capital improvements to, and operating support for, intercity passenger rail service)

Mr. ROTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] for himself, Mr. BIDEN, Mrs. BOXER, Mr. CHAFEE, Mr. COHEN, Mr. JEFFORDS, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. MOYNIHAN, Mrs. MURRAY, Mr. SPECTER, Mr. PELL, Ms. SNOWE, and Mr. D'AMATO proposes an amendment numbered 1444.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title I, insert the following:

**SEC. 1 . INTERCITY RAIL INFRASTRUCTURE INVESTMENT.**

(a) INTERSTATE RAIL COMPACTS.—

(1) CONSENT TO COMPACTS.—Congress grants consent to States with an interest in a specific form, route, or corridor of intercity passenger rail service (including high speed rail service) to enter into interstate compacts to promote the provision of the service, including—

(A) retaining an existing service or commencing a new service;

(B) assembling rights-of-way; and

(C) performing capital improvements, including—

(i) the construction and rehabilitation of maintenance facilities;

(ii) the purchase of locomotives; and

(iii) operational improvements, including communications, signals, and other systems.

(2) FINANCING.—An interstate compact established by States under paragraph (1) may provide that, in order to carry out the compact, the States may—

(A) accept contributions from a unit of State or local government or a person;

(B) use any Federal or State funds made available for intercity passenger rail service (except funds made available for the National Railroad Passenger Corporation);

(C) on such terms and conditions as the State consider advisable—

(i) borrow money on a short-term basis and issue notes for the borrowing; and

(ii) issue bonds; and

(D) obtain financing by other means permitted under Federal or State law.

(b) ELIGIBILITY OF PASSENGER RAIL AS SURFACE TRANSPORTATION PROGRAM PROJECT.—Section 133(b) of title 23, United States Code, is amended—

(1) in paragraph (1), by inserting “, railroads,” after “highways”; and

(2) in paragraph (2)—

(A) by inserting “, all eligible activities under section 5311 of title 49, United States Code,” before “and publicly owned”; and

(B) by inserting “or rail passenger” after “intercity bus”; and

(C) by inserting before the period at the end the following: “, including terminals and facilities owned by the National Railroad Passenger Corporation”.

(3) in paragraph 6(a), by inserting “, and for passenger rail services,” after “programs”.

(c) ELIGIBILITY OF PASSENGER RAIL UNDER CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—The first sentence of section 149(b) of title 23, United States Code, is amended—

(1) in paragraph (2), by striking “or” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(4) if the project or program will have air quality benefits through construction of and operational improvements for intercity passenger rail facilities, operation of intercity passenger rail trains, and acquisition of rolling stock for intercity passenger rail service, except that not more than 50 percent of the amount received by a State for a fiscal year under this paragraph may be obligated for operating support.”.

Mr. ROTH. Mr. President, the amendment which I am offering today on behalf of myself and Senator BIDEN, as well as several other Members of the Senate, has a very simple and important purpose and that is to give States the much needed flexibility to use their CMAQ and STP funds for Amtrak passenger rail service.

Since late last year, Amtrak has begun a much needed restructuring. The restructuring has required substantial participation by State governments in determining which rail lines will stay in service. While States currently have wide authority in allocating Federal transportation dollars—whether it be on pedestrian walkways, bikeways, buses, light rail, highway, and other intermodal and commuter-based transit needs, a damaging double standard exists which, by law, prevents States from utilizing these funds to improve, expand or simply maintain vital Amtrak service if they so choose.

My legislation would eliminate this double standard and give States more flexibility in the way they use their transportation dollars.

My amendment addresses a number of realistic and sensible ways States can be given this flexibility.

Under my proposal, States would be allowed to use funds available in the Congestion Mitigation and Air Quality Program (CMAQ) for passenger rail service.

This program, created in the Intermodal Surface Transportation and Efficiency Act, provides an incentive to focus on transportation alternatives which reduce traffic congestion, improve air quality and lower fuel consumption.

Amtrak passenger rail service clearly meets these criteria, potentially better than any other transportation alternative currently available. My amendment would allow CMAQ funds for passenger rail service.

Second, States would be allowed to use their Surface Transportation Program [STP] dollars for Amtrak passenger rail service. STP gives States and localities unprecedented flexibility in moving Federal dollars between modes. Currently, States are using these funds for carpool projects, parking facilities, and bicycle and pedestrian facilities.

My amendment simply ensures that this flexibility is extended to States to use for Amtrak passenger rail service.

In addition to these provisions, Mr. President, my amendment would permit States to enter into interstate compacts in support of Amtrak services. We know that it requires coordinated efforts among a number of States to make a regional passenger rail route possible. Those States could use Federal funds from the programs I just listed, or make use of bonding authority under the compact to support intercity rail services.

Mr. President, the need for flexibility is clear. I have here, a letter signed by Governor Dean of Vermont, Governor Thompson of Wisconsin, Governor Engler of Michigan, and Tom Carper, Governor of my State of Delaware, both Democrats and Republicans. This letter supports my amendment.

Let me read this letter. This letter went to Senator BAUCUS and to Senator CHAFEE, the chairman of the committee.

This is from the four Governors, and it says:

As you proceed with consideration of S.440, we want you to be aware our strong support for the right of states to use their federal transportation funds for rail passenger service. The amendment being offered by Senators Roth and Biden has our full and enthusiastic support.

Under present law, we are not able to make use of our federal highway or transit funds for rail passenger service. This has posed a number of difficulties for our state in forming partnerships with Amtrak for these purposes, even when investments in rail passenger service would produce clear public benefits and improve the service quality of other modes of transportation.

Adoption of the proposed amendment will provide states with the ability to decide what transportation system best meets their needs and to allocate their federal funds accordingly. In this time of severe budget constraints at all levels of government, it is essential that we empower state and local officials to make the best use of scarce federal resources. This is clearly a states' rights issue.

We view this adoption of the Roth/Biden provision as part of S.440 as an extremely positive step in the direction of achieving a higher level of state choice and a more balanced transportation system. We look forward to working with you to ensure this result.

As I said, this was signed by Governor Dean of Vermont, Governor Thompson of Wisconsin, Governor Engler of Michigan, and Governor Carper of Delaware.

These Governors have already committed their own States' general revenues to support intercity rail routes, at the same time they have surpluses in Federal transportation programs that they are prohibited from using to maintain Amtrak services. These Governors have confirmed the need for more flexibility.

California, Illinois, Michigan, Missouri, Wisconsin, Pennsylvania, and Vermont have also confirmed the importance of Amtrak.

Mr. President, Congress has recognized the need for States to have flexi-

bility with Federal subsidies in important local transportation decisions. In fact, the increased flexibility provided by this amendment is consistent with the major goals of the bill before us today. In an important sense, this amendment simply removes an inconsistency in earlier legislation.

When ISTEA was enacted in 1991, a major premise of that legislation was to remove the unnecessary hurdles in the way of a national transportation policy.

Fundamental to that landmark legislation was the realization that all the components of our transportation system must be allowed to work together, each making its own appropriate contribution.

ISTEA provided unprecedented flexibility to States and localities to make use of Federal transportation funds to provide the mix most appropriate for local transportation needs.

Adoption of my amendment would extend the irrefutable logic of that approach to passenger rail service.

Mr. President, this legislation calls for no new spending. It does not change Federal transportation allocation formulas, nor does it mandate that States spend their Federal transportation dollars on passenger rail service.

As I have said, it simply gives States the ability to spend Federal CMAQ and STP money as they see fit and in ways which have been repeatedly found to be good for them and good for the country.

Mr. President, I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I rise to speak to this amendment.

Mr. President, my colleague from Delaware and I are often suspect when it comes to Amtrak since we are such daily users. So I want a full disclosure to acknowledge that, if I had my way, we would be dealing with Amtrak in a way far beyond what this amendment does.

I think we should be setting up a trust fund for Amtrak. I think we should be dealing with it very differently than we are. But, Mr. President, the amendment that the Senator from Delaware, Senator ROTH, and I have is much more modest in its approach, and it is not designed to be a long-term solution for Amtrak's financial problems. They are going to have to come from the internal restructuring which Senator ROTH referred to that is already under way and from a clearly defined, in my view, dedicated source of funds to support its capital needs the way we provide capital for highways and airports in other systems.

I would just like to note for the record that we subsidize airports and highways on a per passenger basis considerably more than we do Amtrak. It is not even close. And the single most environmentally sound thing we could do and, from a safety standpoint, the

single most significant thing we can do is have a real passenger rail service system in the United States. I might add there is not one single passenger rail service system in the world that is self-sufficient; not one in the whole world.

But that is another argument. We are not here today to correct the problems of Amtrak. We are here to try to deal with an inequity that exists that in effect prejudices Amtrak in a way no other means of transportation, including pedestrian paths and bike paths, are prejudiced.

I believe there has been some misunderstanding about the proposal which Senator ROTH and I have, and possibly we will see some of that in the debate today.

But let me begin by briefly explaining what this amendment will not do. It will not spend a dime of additional money. It will not spend a dime of additional money, State or Federal. It will not require any State in the Nation to spend any funds on Amtrak.

There is no mandate, no requirement. It will not change any formula for the allocating of transportation funds among the States. It will not affect the amount of annual Federal transportation funds that States now receive. It will not do any of those things.

So that your State, for Senators who are listening and the staffs who are listening, will not in any way be affected in terms of the amount of money, percentage of money, source of money that is now received.

But let us look at what it will do.

Mr. President, the bottom line is that this amendment simply permits the States to use funds they already qualify for in a way that is not currently permitted.

Under this proposal, States will be given the discretion to include intercity rail service, which is another way of saying Amtrak, among the transportation options available to their citizens. Current restrictions on the use of Federal transportation funds will be removed, and Governors around this country will be able to use those funds that they now get under the present formula as they see fit, including supporting intercity rail service provided by Amtrak if that is what they choose to do.

In very congested areas, particularly in the urban corridors along the east and west coasts, but also in other areas, adding some more highways is simply not an economic option. For example, in our State of Delaware, were Amtrak to shut down, the idea of building another I-95 through our State—our State is not wide enough to take another I-95. We cannot handle another system that is that large in terms of our air quality, in terms of our land resources available to us, and in every other way. It makes no sense.

By the way, I might add, I will put in the RECORD at a later time what the effect on my State and the Northeast corridor would be if there were no Amtrak and what the effect would be on

the airports of the east coast were there no Amtrak.

The fact is that this option is not only an option that should be made available to States with a great deal of congestion—keeping an Amtrak route open on an existing rail right of way is much more cost effective, safer and cleaner than buying land and constructing even one more lane on a major interstate highway. The interstate highway is already there. It is called the right of way that Amtrak has. There is already a rail bed. And what is happening now because of cost containment, we are cutting the number of trains we put on that rail bed. We are cutting them, reducing the number of people who can use that mode of transportation and putting them on highways or in planes, both of which cause additional congestion.

The increased flexibility provided by this amendment is fully consistent with the major goal of the National Highway System bill before us today and with so-called ISTEA, the landmark legislation that calls for a National Highway System designation.

Mr. President, the need for this enhanced State flexibility is clear. In recent months, under the leadership of Amtrak's president, Tom Downs, Amtrak has undertaken, as Senator ROTH has said, a major downsizing and restructuring to reduce and eventually eliminate its dependence on Federal operating subsidies.

Now, again, I wish to make it clear I do not think it should have to do as much as it is doing. I think it is counterproductive. But the fact is they are given a mandate. They are told, by the way, this all ends in a year certain. And Downs has gone out there and done what he has had to do. He has fired thousands of employees. He has cut the number of trains going into various States. He has reduced costs.

This is a mandate set out in both the House and Senate budget resolutions, which, I might add, I voted against, but it is there. That is likely to be the law.

The first stage of this progress made by Mr. Downs was announced last December with major route eliminations taking effect in April. And President Downs heard from an awful lot of folks on this floor saying: Why did you cut the train out of my State? Why did you cut it out of my State? Why do I not have this access? And the answer is because we decided that we are not going to have the national rail transportation system that we should have. We are cutting the budget.

Well, he did his part. He has cut and eliminated routes. Frequency reductions on selected routes throughout the country will be completed by this coming October. That is a euphemism for saying if you have three trains coming through your State now, you may have one coming through your State by October. These steps have reduced by 20 percent the route miles previously served by Amtrak. And as a result many commuters across the country

find themselves with little or none of the Amtrak service that they once had depended upon. All of a sudden Governors who thought this was a good idea and even some of my colleagues in the Senate who thought it was a good idea are realizing how important Amtrak was to them. The Governors of those States where these cuts took place know that intercity rail is an important option for small towns without air service as well as for congested commuter corridors. They know that intercity rail supports commerce as an important component of the modern national transportation system and in some States particularly their tourism.

That is why States are seeking ways to use the funds, the CMAQ funds referred to earlier, to meet congestion mitigation and air quality goals, to support Amtrak rather than to deal with having to build more highways. Under current law, that is not an option. Under current law, they are not allowed to do that.

I have here, Mr. President, a letter from Governors Dean of Vermont, Thompson of Wisconsin, Engler of Michigan, and Carper of Delaware, which I will not repeat. It was already put into the RECORD by my colleague from Delaware.

Mr. President, among the authors of this letter are Governors who have already committed their own State's general revenue to support intercity rail routes at the same time they have surpluses in Federal transportation programs that are prohibited because they are prohibited from using Amtrak services.

In other words, their citizens pay into the highway trust fund x amount of dollars. They get them back. Because they do not want to build more highways, they cannot use them so they have to send them back to the trust fund, not to the taxpayers, not to those folks—back into the trust fund. And they say, why can we not use that money to meet the needs in our State, the transportation needs and the air quality needs, et cetera?

States that have confirmed the importance of Amtrak runs include California, Illinois, Michigan, Missouri, Wisconsin, Pennsylvania, Vermont—the list goes on.

Mr. President, virtually every advanced industrial nation in the world has found intercity passenger rail service to be essential. All of our major competitors and trading partners provide some level of financial support to assure that the benefits of passenger rail, which include less congestion and less construction of highways and airports, are available to them.

There are tourists here listening to this today from other countries. One of the often heard marvels is, well, I was in Paris; I was in Tokyo; I got in a spotless train that went 190—in one case 300—miles per hour and it got me from A to B, and it was economical, and it could, and it worked, et cetera. Why does the greatest nation in the world not have that?

Well, the greatest nation in the world does not have that because we have devalued intercity rail service.

Our amendment today does not solve the overall problem, but it does provide those Governors that I mentioned and others the means, if they choose, to support Amtrak routes important to their States. With the tools provided by this proposal, States will be empowered to make more efficient decisions about the mix of transportation services that best meet their citizens' needs.

Now, if the Governor of a State says, "I do not want any part of any Amtrak service," fine. That is up to the State. Let them make that choice. Mr. President, this amendment would help those States and others maximize the effectiveness of their transportation dollars. Specifically, it makes Amtrak an eligible use for funds from the following areas:

The surface transportation program. Right now those funds may be used for most kinds of roads and highways as well as for capital costs, for bus terminals, for carpool projects, for bicycle and pedestrian facilities, for hiking paths, for bike paths. They can use the highway funds for all those things, but they cannot use it for Amtrak passenger rail service.

Our amendment would add intercity rail to that list, consistent with the aims of the program to support a fully integrated transportation network. This amendment also makes intercity rail an eligible use for the so-called CMAQ funds. This program—congestion mitigation and air quality is what the acronym stands for—this program is designed to help urban areas come into compliance with the Clean Air Act requirements.

Mr. President, Amtrak can cut down on congestion and carry the same number of people with less pollution than cars on the highways. Surely this would be an appropriate use of those funds, a use currently denied the States.

In addition to those provisions, Mr. President, this amendment would permit States to enter into interstate compacts in support of Amtrak services. Logically, it may require coordinated efforts among a number of States to make a regional passenger railroad possible. Those States could use the funds from the program I just listed or make use of bonding authority under the compact to support intercity rail services. In every instance, this proposal is consistent with the goals of the ISTEA, so-called ISTEA. And in an important sense, this amendment simply removes the inconsistencies in the earlier legislation.

When ISTEA was enacted in 1991, Mr. President, the major premise of that legislation was to remove inefficient and unnecessary hurdles in the way of our national transportation policy. Fundamental to that landmark legislation was the realization that all of the

components of our transportation system, all of the various transportation modes, must be allowed to work together, each making its own appropriate contribution according to what the States believe are needed to do that.

In the end, ISTEA provided unprecedented flexibilities to States and localities to make use of Federal transportation funds to provide the mix most appropriate for local, State and regional transportation needs.

The amendment we are offering here today extends the irrefutable logic of that approach to intercity rail service making it eligible for Federal transportation funds. By opening up more options to State and local officials, by relieving congestion on our highways and in our airports, this amendment is fully consistent with the goals of ISTEA. I urge my colleagues to keep in mind that the very highway interests who argue against this amendment argued against all those other changes as well.

And I want my colleagues to please keep in mind, when they vote on this amendment, what this amendment does not do. It does not add a dime of additional money to State or Federal funds. It will not require the States to spend a single dime on Amtrak. It will not change any formula allocating transportation funds to your State. And it will not affect the amount of annual Federal transportation funds that your State will receive. It will merely give your State greater flexibility.

I yield the floor and reserve the remainder of the time.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Montana.

Mr. BAUCUS. Mr. President, I listened with great interest to the Senators from Delaware in support of this amendment. It has a lot of surface appeal. But I think, in the interest of disclosure, in the interest of common sense, it is important for Senators to think through a lot of other ramifications that have not all been discussed. If one thinks a little more deeply about this, I think one will realize maybe this is not a good idea after all.

Several points. First of all, this is essentially an amendment to rob Peter to pay Paul. We are going to rob our highway funds to spend money on Amtrak. I do not know if that is something we want to do. Frankly, I do not know if it is something that the Governors really want to do, the State legislatures really want to do. I would guess that most Governors, most State legislatures would rather have what they have today, a current, dedicated highway account to decide how to allocate the highway dollars among the States and not have to decide, of the dollars they get, how much is going to go for highway and how much is going to go for Amtrak. Rather, it would be better to have a separate, dedicated Amtrak account separate from a separate, dedicated highway account.

I have an idea how we can accomplish that, which I think is a much better idea to meet our Amtrak needs than the idea that is contained in this amendment.

It is also important to know that there are tremendous road and bridge needs in our country. About \$212 billion are necessary to get our highways up to grade. There are a lot of highways in America. There are a lot of potholes and roads that are just in bad shape and not up to standards, up to snuff. The Federal Highway Administration estimates a total of about \$212 billion of unmet highway needs. Then there are the bridge unmet needs. The Federal Highway Administration estimates that is about \$78 billion, about \$78 billion of bridge disrepair, that is, bridges that just are in bad shape in our country.

For example, if you take the State of Arkansas—I am going down some States alphabetically—37 percent of the bridges in the State of Arkansas are deficient. Let us go down to Georgia. Twenty-one percent of the bridges in Georgia are deficient, that is, either functionally obsolete or structurally deficient, as estimated by the Federal Highway Administration. In the State of Iowa, 31 percent are deficient. In the State of Louisiana, 40 percent are deficient. In the State of Michigan, 35 percent are deficient. In the State of Nebraska, 38 percent are deficient. In the State of South Dakota, 31 percent are deficient. Let us look at Delaware. In the State of Delaware, 25 percent of the bridges in Delaware are deficient, that is, either functionally obsolete or structurally deficient. In the State of New Jersey, Mr. President, that figure is 47 percent. The averages, as we go down this list are around a high of 66 percent. That is the State of New York. The lowest I see on this list is 11 percent for Arizona. But the average is about 30 percent, 40 percent. So I wonder if we want to take money away from bridge construction and repair, in the way of highway construction and repair, and spend it on Amtrak? I just do not think we want to do that, particularly if there is a better way to accommodate the needs of Amtrak.

Another problem. Highway planning takes years. Anyone who has spent any time talking with the State highway departments, essentially to determine which roads to construct, which repairs are to be put in place and which bridges are to be repaired, knows that it takes time. It takes about 5 years.

You have to go through the environmental impact statements and public hearings. You have to have rights-of-way hearings, what is the right-of-way going to be for a certain road, even for bridge construction. It takes a long, long time.

There is a backlog of highway projects in most States. Basically, it is because the needs are so great and the dollars are so few. That puts a lot more pressure on planning and proper planning of highway projects, whether it is

roads or bridges, or whatever it might be. And it means if they are not done right, they are litigated, lawsuits are filed, because the EIS process is not fully complied with.

I am just saying, Mr. President, if we have this already fairly convoluted process determining which highway projects are to be pursued in each State, then layered on top of that the possibility that all of that is going to be disrupted because we are going to divert some money, perhaps, in a State to Amtrak, it is going to be chaos and difficult to plan. It is hard enough to plan for a project, hard enough for people to know if they are going to get their highway project. This is going to make it that much more uncertain, that much more complex, and that much more difficult. Basically, we are doing people in our States quite a disservice, if there is a better alternative—I think that is a pretty important point to make—if there is an alternative to deal with Amtrak.

Another problem with the amendment is, basically, as I understand the amendment, it says that a State, according to its own discretion, can divert some of the highway money it gets to pay for Amtrak. I am not sure it is going to work. Why might it not work?

The problem is this: There is a provision in the proposed amendment which provides for interstate Amtrak compacts, but that is all voluntary. Let us take the northern-tier States, the State of Washington, then Amtrak's route follows Washington, Idaho, Montana, North Dakota, over to Minnesota, down to Illinois, and into Chicago. We have Amtrak problems. Amtrak service has been reduced from 7-day service to 4-day service. We would love to have full 7-day service of Amtrak in Montana along the northern tier, just as I am sure other States that face reduced service would like to be restored to full service, even better service.

Let us say we in Montana say, "You bet; this amendment is the law. We are going to, even though we don't like it, make the Hobson's choice of diverting some money away from highways," and believe me, we have great unmet highway needs in Montana. Let us say we make the Hobson's choice and we painfully, after much gnashing of teeth in our State between those who want to ride Amtrak and those who want to meet highway needs, make some decision to divert away from highways to Amtrak. What is that expenditure going to be? Is that going to be a capital expenditure? Are we building better roadbeds? Are we going to pay money to hire more conductors and other personnel?

Let us say we do it. We are going to have Amtrak. It is going to work. Suppose folks in Montana want to go someplace; they want to go to the Pacific coast, they want to see the ocean, or go in the other direction to Minneapolis and Chicago. Let us say the adjoining State does not do anything.



If North Dakota, in its wisdom, or Idaho, in its wisdom, or Washington, in its wisdom, say, "Well, we're not going to divert any money," what is going to happen?

We have this spruced up service in Montana, we go rushing off to the border, and what happens? Is the train going to stop as we wait for the 2 or 3 more days because Idaho only has alternate day service, or do we have to get off our train in Montana—we have a superliner going through Montana which zips along at 150 miles an hour. We get to that old border and the train stops. Everybody gets off the train and gets on a little dinky, bumping-along Idaho train on Amtrak to get over to Washington. I do not know, but I do think the probability of all States agreeing on a capital expenditure program or all States agreeing to spend money for operating expenses, whatever it is, is probably zero. It is probably zero.

So, as a practical matter, I do not think this is going to work. It sort of sounds good on the surface: Oh, we are going to divert money for Amtrak. It may turn into an intercity rail program only within the State. We have a mass transit program for that that will not turn into an interstate national Amtrak system. It will not work. It just will not work. I think we probably should not spend our time, frankly, adopting something which, as I said, just will not work.

Another point. There is some, not a lot, of support for a Federal gasoline tax—some, not a lot. People do not like paying gasoline taxes, but they are willing to pay a little bit because they know that that money, the gasoline tax, is going to go to the highway trust fund, and from the highway trust fund, it is going to be spent on highways.

It is true, we are not *simon pure* here. Some of the highway trust fund money now goes to related purposes. Some goes to bike ways, some goes to safety programs, highway safety and related programs, and even some of it goes to mass transit. But, still, Mr. President, I do not know that we want to further dilute the purpose of the gasoline tax.

There are a lot of people in our country who pay gasoline taxes for highways. They do not want to pay gasoline taxes for Amtrak. If we are going to work on public confidence in Government, we will to do better if we keep the purpose for which money is raised directly related to the person who is paying the money—user fees, if you will. I just think it is very worrisome if we go down the road and start raising gasoline taxes, as I said, and spending it for other purposes.

What might be a better idea? Let me suggest one. This gets a little complicated, but bear with me.

The long and the short of it is, under the law today, about—in fact exactly—2½ cents of the Federal gasoline tax goes to the highway trust fund; 2½ cents of the current gasoline tax and

diesel tax goes to the highway trust fund.

In 1996, just a year from now, that 2½ cents that currently goes to the highway trust fund will go for a different purpose. Two cents of it goes to the highway trust fund and one-half cent goes to the transit trust fund. I am suggesting that we take that half cent, which in 1996 is scheduled to go to the transit trust fund, and instead dedicate it to Amtrak, about \$600 million.

The beauty of that, Mr. President, is it takes nothing away from mass transit. The mass transit trust fund account today is already at a \$5 billion surplus. Currently, out of the gasoline tax, about one-half cent goes to the transit trust fund. I am suggesting we keep the same amount that is now going to the transit trust fund—as I said, it is a \$5 billion surplus; it is already paying for mass transit. The one-half cent I am talking about does not now go to the transit trust fund; not yet. It is scheduled to go to the transit trust fund in 1996. I am suggesting we take that one-half cent and spend it on Amtrak. Is it new taxes we have to raise? None whatsoever. But it is one-half cent available to spend on Amtrak. That raises \$600 million.

Mr. BIDEN. Will the Senator yield on that point?

Mr. BAUCUS. Just a second. We cannot do that on this bill. We cannot provide that amendment on this bill because that is a revenue measure, and it will be blue-slipped by the House of Representatives. That is, they will just not consider it, because as a revenue bill, it did not originate in the House. When we get to reconciliation, we then have an opportunity to include this provision in reconciliation, which I think is the way to solve the Amtrak problem. The deficit in Amtrak is about \$1 billion a year. We have to make a lot of changes in Amtrak, spruce it up, and make it more efficient and so forth. But here is a way to provide \$600 million a year without increasing taxes, and because Amtrak is so important to our country—it is vitally important throughout America. There are only two or three States that do not have Amtrak service, but the rest do. I suggest that the better way to handle this whole problem is to pursue the alternative I am suggesting, which solves the Amtrak problem, rather than the amendment before us which I think will cause a lot of headaches and heartaches and will not even begin to solve the problems that we have to deal with regarding Amtrak.

I yield to the Senator from Delaware.

Mr. BIDEN. The Senator from Montana essentially answered the question I was about to ask—that we could not do that on this bill. I agree that that would be a significant and important change. Granted, it only comes out of the mass transit fund, which, right now, is in surplus. But it does not come out of the highway money. I would rather see a half-cent come out of that 2 cents going to the highway fund. But it is very important.

I want to respond very briefly to the four basic points the Senator made. I will really focus on one. He talked about this being—that we are robbing Peter to pay Paul. That is a judgment for Peter to make, whether he wants to give it to Paul. "Governor Peter" can decide whether or not he wants to suggest that it go to Paul. If Governor Peter wants it to stay where it is, you do not have to rob anybody. It stays where it is.

This notion of the need for bridges and repairs, obviously, if the States conclude the bridges are more important to them than Amtrak, then they will make that judgment. We are only talking about one portion of the highway trust funds that go into the State, which rough cut is about 25 percent of the moneys that the States get, that is the only portion they could use.

No. 3 is this notion of disruption. I have great admiration for my friend from Montana, and I mean that sincerely. He knows that if you can paint a picture for someone that makes the proposition look a little ridiculous, it is very compelling. His idea of going 150 miles an hour through Montana to the border of Idaho and getting off the train and getting on this chugalug train that is going to take you through Idaho, is a very disruptive picture. That is why Senator ROTH placed in the legislation this compact that no Governor is going to in fact decide to divert money to Amtrak from their highway trust fund money if in fact they know that train is going to stop at the Idaho border.

So the reason for the compacts are allowing the States of Washington, Idaho, Montana, and the Dakotas, to sit down and say, does it make sense for us all to do that? If they cannot get it done, they are not going to do it. It is a very colorful picture to paint of this train speeding and going through Coeur d'Alene, ID, and then coming to a screeching halt. It is not realistic and not likely to happen.

I will end by saying that my friend from Montana has been very, very helpful in the past regarding the need to set up a dedicated fund for Amtrak, just like there is one for highways, recognizing the national need. The point, though, is that if the States conclude that it is better to use that small portion of their highway funding for Amtrak, and if they want to do that in conjunction with other States in their region, we should allow them. We allow them to do that for bicycle paths now, Mr. President, and we allow them to do that for walking paths. We allow them to go out and buy buses, and we allow them to make capital investments for other means. The only thing we do not allow them to do is deal with it with regard to intercity rail service.

I was intrigued by the Senator's remarks, and I am heartened by his commitment to taking a half-cent of the gasoline tax, which is now going in one

direction but will revert to the way in which he suggested—coming up with \$600 million for capital for Amtrak which, by the way, would meet Amtrak's capital needs on a yearly basis. He is correct, it would essentially put them in the black. They would be able to run in a very efficient way and increase service, not diminish service. I thank him for his suggestion. I look forward—if he is still willing—to working with him on the reconciliation bill to do that.

In the meantime, I think this does not create the inconvenience he suggests would be created. In large part, the most compelling argument he made is disruption, and I think Senator ROTH was farsighted in laying out in the legislation the compact capability for States, and that is the reason for that provision of the legislation.

I thank my colleagues and yield the floor.

Mr. JEFFORDS. Mr. President, I strongly urge my colleagues to support this important amendment. The Roth amendment will grant States the flexibility to use highway funds to maintain and revitalize intercity passenger rail service. At a time when we are shifting responsibility from Washington to the States, we should also allow individual States to choose how they would allocate Federal transportation funds and select transportation systems that best meet their needs for the future.

Mr. President, my own State of Vermont spent the winter working to preserve our link to the national passenger rail system. In December, Amtrak announced that all passenger rail service to Vermont would be terminated. But in April, after extensive negotiations, the State of Vermont and Amtrak announced the establishment of the Vermonter, a new day train traveling from Washington, DC, to St. Albans, VT. The key to preserving this rail service was that the State of Vermont was willing to pay, out of general funds, the operating costs of this train. This is how important rail service is to Vermont.

Earlier in this debate a number of Senators referred to a letter in support of this amendment from four Governors, including Governor Dean of Vermont. The letter clearly illustrates that States want the flexibility to use Federal transportation funds as they chose. Vermont would use these funds to support the Vermonter and possibly other passenger rail in the State, including a proposed route from White Hall, NY, through Rutland to Burlington, VT. Clearly, Vermont and other States should have this option. I commend Senator ROTH for his dedication to this issue and I urge my colleagues to vote for this important amendment.

Mr. WARNER. Mr. President, the distinguished Senator from Montana, the comanager of the bill, and I at this time would like to see if we can get a unanimous consent request with regard

to time limitations on the three amendments.

We start with the amendment now under consideration. It was indicated to the managers earlier that Senators ROTH and BIDEN would agree to 1½ hours equally divided. We can calculate the amount of time that has expired thus far and then determine the time at which the 1½ hours would be completed.

I yield to my colleague.

Mr. BAUCUS. Mr. President, will the Senator again go through the list?

Mr. WARNER. Yes, I am happy to do that. Mr. President, the distinguished Senator from West Virginia indicated that on his amendment, he would be agreeable to 1 hour equally divided. The Senators from Delaware, Mr. ROTH and Mr. BIDEN, indicated 1½ hours equally divided. The Senator from North Dakota, Mr. DORGAN, said 40 minutes equally divided on his amendment.

Mr. LAUTENBERG. Reserving the right to object. Would the manager on the Republican side be able to tell me, or would the Parliamentarian be able to tell us, how much time remains on the hour and a half at this juncture?

Mr. WARNER. The pending Roth-Biden amendment. We put that question to the Chair.

The PRESIDING OFFICER. Forty-six minutes have been consumed on that amendment up to this point.

Mr. LAUTENBERG. Will the distinguished Senator from Virginia be willing, if Senator ROTH is inclined to agree, to divide the remaining time? I ask that before a unanimous consent is agreed to. Frankly, I would like a chance—

Mr. WARNER. I think I have an easier solution. The Senator from Montana has expressed my views very clearly. I associate myself with his remarks and thereby with the exception of maybe 2 minutes, I will forgo such time as I may require or would have required otherwise. So I suggest let us agree to the hour and a half—first, how much time does the Senator from New Jersey want?

Mr. LAUTENBERG. I will have to ask the Parliamentarian how much time remains on the Roth-Biden amendment.

Mr. WARNER. Would the Senator indicate how much time he desires?

Mr. LAUTENBERG. I think we ought to have 20 minutes to further discuss the issue, if that is acceptable to Senator ROTH.

Mr. WARNER. I suggest that we amend the time agreement and say that the pending amendment would be completed in 35 minutes, 20 minutes of which would go to the Senators from Delaware, with a due allowance to their colleague from New Jersey and the 15 minutes would be divided equally between the Senator from Montana and myself; that we may then proceed to the amendment of the Senator from West Virginia [Mr. BYRD] who desires an hour on his amendment.

I ask unanimous consent that that be ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Lastly, the Senator from Montana and I now pose a unanimous-consent request that the amendment of the Senator from North Dakota [Mr. DORGAN] be concluded in 40 minutes, equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. It is the hope of the managers of the bill that the Senator from West Virginia could proceed following the disposition of the amendment of the Senators from Delaware.

Mr. ROTH. Mr. President, I yield 15 minutes to the distinguished Senator from New Jersey.

Mr. LAUTENBERG. I thank the Senator from Delaware. Perhaps I will use less than that. I appreciate it.

Mr. BAUCUS. Mr. President, I would like to mention to my colleagues, the Senator from West Virginia [Mr. BYRD] would like the unanimous-consent agreement to provide that there be no second-degree amendments to his amendment.

Mr. WARNER. I join the Senator from Montana in that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, while the Senator from Montana and I are up, we are making great progress in resolving the other amendments.

I urge all Senators who have pending matters to send their staffs over at this time to complete the amendments which are outstanding. As far as I know, the Senator from Montana and I only know of these three amendments subject to time agreements which will require rollcall votes.

Mr. BAUCUS. Mr. President I would like to echo that statement. We are close to finishing this bill. It behooves Senators to come over quickly and work on their amendments so we can finish this bill tonight. I thank the Senator.

Mr. LAUTENBERG. Mr. President, I thank the Chair.

Mr. President, I rise in strong support of the Roth-Biden amendment, perhaps to no one's surprise, because I have long had an interest and an association with Amtrak.

This amendment is fairly simple. I think it has been well stated by both of the distinguished Senators from Delaware. The central purpose of the amendment, as I see it, is to provide the States with flexibility—something we constantly urge around here—to use funds provided on two of the major Federal transportation formula programs for the cost of interstate rail passenger service.

The thrust of this amendment closely resembles a provision that passed the Senate that I sponsored during the debate on the Intermodal Surface Transportation Efficiency Act, which we call ISTEA.

Under the amendment, Governors and State transportation officials



would be granted the flexibility to use funds provided under the surface transportation program [STP], the Congestion Mitigation and Air Quality Program called CMAQ, for the costs of intercity rail passenger service.

I want to make one thing quite clear. This amendment does not mandate that even one cent of highway or transit formula funds will be spent on Amtrak service. The only way one penny can even be used for Amtrak, is if the Governor and the State transportation officials want it to happen.

When the Congress adopted ISTEA, we made great strides toward enhancing the flexibility of State transportation planners in directing Federal funds to the types of transportation projects that best suited their needs.

However, in the final conference report, there was a glaring omission. That was the flexibility to direct Federal formula funds to the cost of intercity rail service.

The Senate-passed version of ISTEA did include such flexibility for the surface transportation service. However, jurisdiction over rail programs at the time was under the House Commerce Committee. As such, it was very difficult to get members of the House Public Works Committee to accept the provision.

We now have a new opportunity to address this issue, since the House has moved jurisdiction over rail matters to our companion committee in the House, the newly-named Transportation and Infrastructure Committee.

All Members are aware that Amtrak has been facing especially difficult financial times over the last year. Amtrak has been required to announce several service cuts and route eliminations to reduce or eliminate an operating deficit that exceeds \$200 million.

These service cuts and eliminations impacted many States, including my own. We heard the distinguished Senator from Montana talk about how valuable he viewed Amtrak service in the State of Montana. They have had what to some would appear to be a modest cut, yet it was apparently deeply felt.

In the wake of these service cuts, numerous States have been scrambling to find their own funding to maintain Amtrak service. Many of these same States have asked Members to explain why they can use their Federal formula funds for transit purposes but may not use them for intercity rail service.

I do not believe that any Members have a good answer to that question. Amtrak's delicate financial situation was brought about largely through underinvestment, over a great many years, in our national rail network. Our national passenger rail corporation, Amtrak, covers a higher percentage of its operating costs than any other passenger railroad in the world. It benefits from an operating subsidy like every other passenger rail system in the world, but at a smaller subsidy per passenger than any of the others. Compared to our industrial competi-

tors, we spend a pittance on our national rail network.

Within the next 5 years, France plans to spend nearly \$125 billion on intercity rail enhancements. If anyone has a chance to see the TGB and see it zip along the countryside at a cool 180 or 200 miles per hour in comfort, speed, attracting lots and lots of passenger, one would see why the investment is justified.

Germany will spend over \$70 billion during the same period. By the end of this century, Sweden, a relatively tiny country, plans to invest as much in rail enhancement as it does in highways.

Just within the European Community, high speed rail investment is likely to top \$100 billion by the year 2000. On average, European countries invest between 1 and 1.5 percent of their GDP in intercity rail. That compares with our country where we invest roughly five one-hundredths of one percent on our national passenger rail service, Amtrak.

No one is suggesting we use highway funds to embark on a major rail investment program. However, Amtrak's recent financial difficulties make it clear that we must take action to ensure the future of a national rail network, to ensure that our Nation has a balanced transportation system.

This amendment takes a small step to allow the Nation's Governors—and we are talking about flexibility, and we are talking about decisions made within the State—the option of preserving a balanced transportation program in their States. If they do not want to use any of it for Amtrak, they need not do it.

Throughout our recent political debates over the role of the Federal Government, there has been increased attention to the benefits of giving States enhanced responsibility while simultaneously giving them increased flexibility. This model, it is assumed, will provide for a more efficient public service transportation system.

This is clearly one area where this model can benefit the traveling public across the Nation by giving Governors access to the full range of transportation options.

I want to speak about the region of the country I come from, the Northeast. I can tell my colleagues—and Senator BIDEN and Senator ROTH are only too familiar with this—that in my part of the country, Amtrak is absolutely indispensable. It is one of the most cost-effective investments of Federal transportation dollars in the region. Fully half of Amtrak's ridership travels on the Northeast corridor, the most congested transportation corridor in the United States.

Now, all the highway spending in the world could not overcome the lack of adequate right of way to construct enough lane miles to accommodate all Northeast corridor Amtrak traffic. There is simply not the capacity in the already congested airports of the Northeast to accommodate an additional 11 million passengers annually.

Mr. ROTH. Mr. President, would the Senator yield?

Mr. LAUTENBERG. I am happy to yield to the Senator.

Mr. ROTH. Mr. President, I think, to underline the point made by my distinguished colleague, it is important to understand, for example, in the case of New Jersey, the ridership in 1994 was 1,369,000; in Maryland, 1,448,000; in my little State of Delaware, 607,000. Is there any way we could replace that travel by building additional roads?

Mr. LAUTENBERG. There is no way on Earth, as they say, to provide the capacity for additional highway lanes. But, further, I say to the distinguished Senator, Amtrak currently carries half of the combined air-rail market between New York and Washington, DC. Were Amtrak service to disappear, listen to this, it would add the equivalent of 10,000 fully booked DC-9's to the already congested air traffic in the Northeast. There is not enough room on the highways or on Earth. And there is not enough room at the airports or in the skies to accommodate such growth.

What a disaster it would be for the economy of the Northeast as well as the country as a whole. It is already almost impossible to move on our highways and get in and out of the airports during the peak holiday seasons. The noteworthy ones, Thanksgiving, Memorial Day, Labor Day, Father's Day—you name it, it would be a disaster. If you eliminate Amtrak service in the Northeast, traffic on the highways and at the airports will come virtually to a dead stop. So we need to find ways to expand our passenger rail infrastructure, not to kill it. I am pleased to hear the Senator from Montana talk positively about Amtrak. We have to find the funding for it.

The GAO estimates that productivity losses due to highway congestion each year cost our Nation \$100 billion, each year. DOT estimates that in our 39 largest cities, traffic congestion costs \$44 billion annually. And absent any effort to expand our rail capacity and other nonhighway alternatives, highway use is expected to grow at such a rapid rate that all the increased highway spending that we could muster could not handle the growth and the congestion.

The Senator from Montana made a good point. He said if you do not claim your highway use, the construction and so forth, enough in advance, you could wind up with a patchwork quilt of things. So it is with Amtrak. That is why I think the Senator from Delaware provided for a compact arrangement between States, to be able, hopefully, to agree on a program that fits the needs of the several States in the area.

The situation is just as bad at our Nation's airports. Winglock, congestion at our airports, costs our economy roughly \$5 billion a year. It is expected air travel delays will only worsen over the next several years. Within the next

5 years, most major airports will exceed 80,000 hours of annual flight delays each year. In short, it is a major, major problem.

Completing the electrification of the Northeast corridor, which is virtually underway, though not specific construction—but a lot of engineering, a lot of the planning and some of the equipment has been ordered—is expected to attract 3 million additional passengers annually between New York City and Boston to our rail system, taking them off already congested highways and airways.

Completing the electrification will alleviate the need for creating highway capacity for 324,000—the numbers are staggering—324,000 drivers each year and the cost of expanding aviation capacity to accommodate 50 daily New York-Boston flights. The cost of this rail project is, as we say, peanuts compared to the Federal funds that would be required to be invested to achieve the highway and aviation capacity that would be otherwise needed.

The prospect of expanding Logan Airport in Boston runs into multiple billions of dollars just in that one place.

I am in contact, and have been in contact, with Governors along the Northeast corridor, almost all of them—almost all of them—Republican. They recognize the critical value of Amtrak to our region. They currently have the opportunity to use discrete amounts of their Federal formula funds for costs associated with transit service in the region, and Amtrak service should be no exception.

In sum, it is very obvious that those who think in detail about transportation needs—to those who come from the northeastern part of the country, those who come from all parts of the country, because there are not any Senators that I have had a chance to talk to where there is some Amtrak service who do not want to either expand it or continue it—I have not heard any of them volunteer to eliminate the Amtrak service, as sparse as it may be within their State.

So I hope we will be able to provide this flexibility. We are not taking anything away from anybody. If the question is put, is there sufficient funding for bridges? Heck, no, there is not sufficient funding for bridges in our society. Even to repair those that are functionally obsolete, there is not enough money for it.

Is there enough to maintain the highways in the condition we would like to see them? No, there is not. But if we lose Amtrak and we lose the infrastructure that is associated with national rail passenger service, we will be in far worse shape because at least if we keep the intercity railroad going, we have a chance to buck the trend and be able to accommodate the traveling needs of the public.

I hope this amendment will carry. I commend Senators ROTH and BIDEN for bringing it to this point. I think it is timely. There are so many services

that we would like to see operating in the transportation infrastructure network of our country that are just not going to be able to be funded. I know for some Senators in some of the Western States, something called essential air service is a critical factor. We want to try to fund it wherever we can.

All of these are competing for funding. All of these modes are competing for funding, but this one, national rail service, national passenger rail service, is an essential factor if we are going to think about a balanced transportation network in this country of ours.

I urge my colleagues to support the Roth-Biden amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I will make a couple of points that I think are worth knowing about this amendment.

First of all, this amendment is opposed by a lot of groups. Let me read a letter from Keep America Moving. It is an organization interested in our highways. I will just read the relevant part:

The undersigned organizations believe the National Highway System is vital to America's economic and defense needs. We urge you to support prompt passage of the NHS and oppose any efforts to subsidize Amtrak with highway funds.

Sincerely,

American Automobile Manufacturers Association.

American Bus Association.

American Consulting Engineer Council.

American Movers Conference.

American Petroleum Institute.

American Portland Cement Alliance.

American Road and Transportation Builders Association.

American Trucking Associations.

Ashland Inc.

Associated Builders and Contractors.

Associated General Contractors.

Highway Users Federation.

National Asphalt Pavement Association.

National Association of Manufacturers.

There are a lot more. There is a lot of opposition, I might say, to this amendment.

Second, I wondered what the donor States think of this amendment. Mr. President, about half of the States of our country are so-called donor States. They just get the willies when they realize they are spending more money on gasoline taxes than they are getting back in highway funds. Now, what are they going to think, the donor States—here is a whole other opportunity to spend their money on another State?

I frankly think the donor States would not be very happy about this amendment. The donor States, about half of our States, would get very nervous, in fact upset with the idea of spending more of their money on some other State, in this case for Amtrak.

Also, let me sum up by saying this is not going to work, this proposal. There are 46 States in our country that have Amtrak. As I hear the proponents of this amendment, there are 46 different horses before the Amtrak cart; 46 different States have an idea how to improve Amtrak, 46 different States. Cap-

ital expenditures, operating expenditures—who knows what?

Amtrak is a national system. It is not a separate 46-State system, it is a national system. That is why I again come back to the idea I proposed earlier. I want very much to help the Senator from New Jersey by taking that half-cent that is, in 1996, scheduled to go to the mass transit account which already has a \$5 billion surplus, and say dedicate that half-cent instead to Amtrak. It is \$600 million. That is a national solution to a national problem, rather than a 46-State solution to a national problem.

I understand the provisions in the amendment—compacts and all that. But those compacts are not going to work. States are not going to agree to those compacts. If they do not work, then they do not work. Then we are not solving the problem.

I think, frankly, it is an idea that has surface appeal and it is an idea that is not going to work, and I suggest we therefore agree to this amendment. Dig down, agree to it, get the amendment agreed to that I am suggesting, namely that half-cent dedicated to Amtrak.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. How much time do I have left, Mr. President?

The PRESIDING OFFICER. The Senator has 4 minutes and 22 seconds remaining.

Mr. BIDEN. Will the Senator yield 2 minutes?

Mr. ROTH. I yield 2 minutes to my distinguished colleague.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, everything my friend from Montana said up to a moment ago was basically correct when he said how are the donor States going to feel having another way to spend more money? No more money can be spent for this amendment, No. 1. No. 2, we are a donor State. We are for it. No. 3, the idea that somehow there are other ways to spend the money meaning that we are going to be taking money from one State and spending it another State is not accurate. I do not think he meant to say that. He may have left that impression.

Mr. BAUCUS. I appreciate that. If the Senator will yield, what I meant to say is that it is not more money, but a donor State spending money for more purposes.

Mr. BIDEN. We are a donor State. We like that opportunity.

Lastly, the list from the cement manufacturers to the highway people, it seems like 100 years ago when I first got here in 1973 and was on the committee that the Senator is now the ranking member. Then every one of those interests were against anything that had to do with transportation other than highway. They always will, they always were, they always will be, and they always have. They were

against the ISTEA provision that is related to transportation other than highways. They are against anything that does not lay cement, macadam, or concrete. It is real simple. Do not blame them. It is all there, the naked self-interest which is the way this place runs. OK, but the idea that they are against this, they never have been for anything at all progressive that related to any mode of transportation other than laying concrete, so help me goodness.

I yield the 10 seconds I probably have left.

Mr. LAUTENBERG. If the Senator will yield for one question, does he think the automobile manufacturers are not objecting when they want to preserve all of the funding that we could muster for highways?

Mr. BIDEN. Mr. President, I think the automobile manufacturers—my father having been an automobile salesman his entire life—are honorable, decent people who know their self-interest, and I respect them for that.

Mr. ROTH. Mr. President, I want to emphasize once more that the Roth-Biden amendment requires no new spending. It does not change any Federal transportation formula. It does not require a State to spend any money on Amtrak or intercity rail. It simply provides States with the flexibility to support Amtrak with funds they already qualify for, and it responds to a real need, a real need expressed by Governors around the country who are seeking the means to support Amtrak services that have been cut back. It promotes State responsibility in support of our national transportation system.

Current prohibitions against using Federal funds for Amtrak frankly skews public policy away from a cleaner, cheaper option—intercity rail. Highway user fees, gas taxes, already go to fund many other surface transportation options from mass transit to hike and bike trails. Only intercity rail is cut off from those funds. States cannot now choose to support Amtrak with those funds.

At the same time that they are losing Amtrak services, many of our States find themselves with unused surpluses and programs they do not need.

So the goal of our highway bill is to increase State and local flexibility to improve the efficiency of our national transportation system.

This amendment would promote that goal and remove what I believe to be an arbitrary restriction on States' transportation choices.

I yield the floor.

Mr. WARNER. Mr. President, I have done a great deal of work on this amendment.

Mr. President, I rise in opposition to the Roth-Biden amendment to make Amtrak activities, including operating expenses and acquisition of equipment, eligible for National Highway System funds.

If the amendment before us is adopted, it will reverse the momentum and progress of the National Highway System and the purpose of this bill. It would drain the gas out of our tank.

The NHS will ensure that our surface transportation network performs to maximum efficiency. In order to meet this maximum level of efficiency, the highway trust fund must remain in tact to meet the funding requirements needed to meet our urgent number of highway and bridge needs.

The American taxpayer pays into the highway trust fund through gas taxes. We must "keep faith" with our citizens to ensure that existing roads are maintained and where necessary new roads are constructed. Those who have paid into the highway trust fund expect that their fuel taxes will be available to respond to our highway needs.

While there is no doubt that Amtrak has started to make some needed restructuring improvements in their day-to-day operations, it is clear that a complete overhaul of the system is necessary.

As the Federal Highway Administration has stated that the highway trust fund cannot begin to meet existing highway and bridge needs, it is not wise to dilute the effectiveness of these limited dollars. It is estimated that \$290 billion is needed to fund the backlog of repairs and improvements to the current highway system. By diverting any of the \$6.5 billion annual authorization for the National Highway System to Amtrak, we would be placing our roads and bridges in jeopardy.

At a time when transportation infrastructure dollars are so constrained, priority funding should go to those areas of transportation which will move the largest number of goods and people across the country. The NHS roads carry about 40 percent of all highway traffic and 75 percent of all commercial truck traffic. Over 80 percent of intercity passenger miles are traveled on our highway system, not on Amtrak. In fact, Amtrak carries less than 1 percent of all intercity passenger rail miles.

I have in the past and will continue to be a supporter of Amtrak. It is undeniable, however, that Amtrak currently carries a very low percentage of all intercity passenger miles traveled in comparison to our Nations highways. The highway trust fund, to which rail passengers have made no contributions, must not be used for this purpose.

I ask unanimous consent to have printed in the RECORD certain documents relating to my comments.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA,  
Washington, DC, May 1, 1995.

Hon. JOHN W. WARNER,  
Committee on Environment and Public Works,  
U.S. Senate, Washington, DC.

DEAR SENATOR WARNER: On behalf of the U.S. Chamber of Commerce Federation of

220,000 businesses, 3,000 state and local chambers of commerce, 1,200 trade and professional associations, and 72 American Chambers of Commerce abroad, I urge you to oppose any effort to include Amtrak routes in the National Highway System (NHS).

Senators Roth, Biden, Murray, Moynihan, Jeffords, and Leahy have introduced legislation (S. 733) that would provide states with the flexibility to shift Highway Trust Fund dollars to Amtrak's capital and operating budgets. We are concerned that portions of this bill may be offered as an amendment during the Environment and Public Works Committee markup of S. 440, the "National Highway System Designation Act of 1995." Given that the United States is investing significantly less than the amount needed to maintain our roads and bridges, a subsidy for Amtrak, via Highway Trust Fund dollars, would be an affront to many of our members who expect their fuel taxes to be spent for their intended purpose.

In these times of budgetary cutbacks and competing demands, the NHS represents good government. It gives priority funding to those roads that are most important to our commercial and personal commuting needs. In fact, the NHS only accounts for four percent of America's total system mileage, yet will carry 40 percent of all travel and 75 percent of all commercial vehicle travel. Also, 95 percent of all businesses will be within five miles of the NHS. Moreover, the NHS represents a bottom-up approach, whereby state and local officials played an instrumental role in formulating the Department of Transportation's designation map.

However, if an Amtrak amendment is successful, the Chamber's support for S. 440 would be in serious jeopardy. In particular, we are very concerned about the findings contained in a February 1995 General Accounting Office report on Amtrak which shows that:

Not a single Amtrak route is profitable when capital costs are taken into account; revenues cover only 65 percent of the cost;

Amtrak will need \$4 billion in capital investment just to maintain its equipment and facilities;

Over the next five years, Amtrak will accrue a \$1.3 billion operating deficit, despite its revenues and its \$1 billion-per-year federal subsidy; and

Despite service cutbacks and other cost-cutting measures, Amtrak is unlikely to close its deficit gap.

The September 30, 1995 deadline for passage is coming quickly. The needs of the transportation infrastructure are too important to let this opportunity pass by. Failure to act will mean losses of \$13 billion in NHS funds to states for fiscal 1996 and 1997, which could translate into fewer economic benefits for the economy. Because the NHS designation represents a long-term commitment to our country's productivity and competitiveness, the Chamber urges passage of a bill that focuses on the designation and respectfully requests the defeat of any weakening amendments, such as language contained in S. 733.

Sincerely,

R. BRUCE JOSTEN.

AMERICAN ROAD & TRANSPORTATION  
BUILDERS ASSOCIATION,  
Washington, DC, April 25, 1995.

Hon. JOHN WARNER,  
Chairman, Subcommittee on Transportation & Infrastructure, U.S. Senate, Washington, DC.

DEAR SENATOR WARNER: The 4,000 members of the American Road & Transportation Builders Association commend you for your leadership in moving to secure Senate approval of S. 440 designating routes of the National Highway System. We strongly support

prompt enactment of this legislation to avoid any possibility of missing the September 30 deadline and the resulting loss to the states of a substantial part of their federal highway funding.

We fully agree with your statement at the time you introduced S. 440 that nothing should stand in the way of its enactment. We are concerned, however, that other legislation being prepared for introduction would constitute an impediment to the NHS bill. That legislation, expected to be introduced by Senators Roth and Biden, would make the Amtrak passenger rail system eligible for NHS funds. Inclusion of Amtrak funding eligibility in the NHS bill would cause ARTBA to seriously reconsider its support of this legislation and would result, we believe, in a general erosion of support by other key groups.

The NHS is designed to be the principal focus of federal highway investment well into the next century. This system carries a large proportion of the nation's commercial and personal traffic. It needs billions of dollars of investment to allow it to perform this mission effectively and economically. The resources of the Highway Trust Fund already are inadequate to meet highway and bridge needs, estimated in 1993 by the Department of Transportation at \$290 billion. Any further diversion of user fees paid by the nation's highway users would be totally unacceptable.

Amtrak is an important component of the American transportation system. Congress should provide it with financial assistance—from the general treasury—to the extent it deems necessary and prudent. The Highway Trust Fund, to which rail users make no contribution, should not be used for this purpose.

Mr. Chairman, ARTBA is ready to work with you in securing enactment of NHS designation legislation. We strongly oppose, however, the inclusion in that bill of any provision that would dilute trust fund revenues by making them available to Amtrak or for any other use not currently authorized.

Sincerely,

T. PETER RUANE,  
President and CEO.

AMERICAN TRUCKING  
ASSOCIATIONS, INC.,  
Alexandria, VA, May 5, 1995.

Hon. JOHN W. WARNER,  
Environment and Public Works Committee, U.S.  
Senate, Washington, DC.

DEAR SENATOR WARNER: On April 27th, Senator Roth (R-DE) introduced S. 733, legislation that would add Amtrak routes to the National Highway System, in effect, making the rail system eligible for capital and operating subsidies funded through Highway Trust Fund receipts. This proposal is bad law and bad policy and should not be added to NHS approval bill, S. 440. Adding S. 733 would create a contradiction to the committee's long-stated goal of passing a clean NHS bill. Further, this diversion would create unsafe highways, not meet national transportation needs, and would undercut capital funding.

I urge you to reject this amendment for the following reasons:

It would create unsafe highways. According to the Federal Highway Administration, there is not enough money in the Highway Trust Fund to meet existing highway and bridge needs. Specifically, \$290 billion is needed to fund the backlog of repairs and improvements to the system. Diverting funds from these needs creates a real safety problem, such as when the I-95 bridge in Connecticut failed in 1983.

It would not meet national transportation needs. The intercity rail passenger system

only carries .3% (one-third of one percent) of intercity passengers. It does not move any of America's freight. Diverting funds to pay Amtrak expenses will not significantly benefit auto congestion. It would also establish a major highway user subsidy unfair to companies that carry intercity passengers—the bus and aviation industries.

It undercuts capital funding. The Roth bill would allow up to \$3.25 billion a year of capital funding to be used for Amtrak salaries and operating costs. Faced with an imminent and unplanned loss of a state's intercity rail service, a state would be under extreme political pressure to shortchange its multi-year capital improvement program and pay the operating costs. The future suffers.

The Roth proposal fails to solve Amtrak's underlying problems. In fact, it seems to sustain them. Amtrak was conceived with the objective that it would meet its expenses from operating revenues. Instead, it has sought ever increasing federal and state subsidies and has slashed services. While recognizing that some intercity routes truly make sense, replacing the General Fund subsidy to Amtrak with a highway user subsidy fails to solve its dilemma.

Please join me in preserving the use of highway user revenues for highway users. I look forward to working with you and your staff on this important issue. If you have any questions, please call

Sincerely,

THOMAS J. DONOHUE,  
President and Chief Executive Officer.

NATIONAL ASPHALT  
PAVEMENT ASSOCIATION,  
Lanham, MD, April 25, 1995.

Hon. JOHN WARNER,  
U.S. Senate, Russell Building,  
Washington, DC.

DEAR SENATOR WARNER: The National Asphalt Pavement Association (NAPA) opposes the Roth/Biden bill to make Amtrak part of the National Highway System (NHS). This proposal constitutes an enormous potential diversion of highway user fees into subsidized passenger rail service that, according to Amtrak's own estimates, will post a \$1.3 billion operating deficit over the next five years.

The NHS is designed to focus federal highway dollars on highways and bridges that are most important for safely moving people and goods in interstate commerce. The nation's highway users should not be tapped to pay the bill for a passenger rail system that provides limited transportation value.

NAPA is the national trade association exclusively representing the Hot Mix Asphalt (HMA) Industry. We have a membership of nearly 800 corporations, most of which are HMA producers and paving contractors. The majority of our members are small businesses, and our member firms produce approximately 70 to 75 percent of the total HMA produced in the United States annually.

NAPA urges you to oppose the Roth/Biden proposal.

Sincerely,

MIKE ACOTT,  
President.

HIGHWAY USERS FEDERATION,  
Washington, DC, April 27, 1995.

Hon. JOHN CHAFEE,  
Chairman, Environment & Public Works Committee, U.S. Senate, Washington, DC.

Hon. MAX BAUCUS,  
Ranking Democratic Member, Environment & Public Works Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN AND SENATOR BAUCUS: The Highway Users Federation strongly opposes any effort to include Amtrak routes in

the National Highway System (NHS). Senators Roth, Biden, Murray, Moynihan, Jeffords, and Leahy have introduced S. 733 to do just that, and we understand elements of their bill may be offered as an amendment during Environment and Public Works Committee mark up of S. 440, the "National Highway System Designation Act of 1995." In my judgment, if such an amendment were approved, the current widespread support for the NHS in the private sector would be seriously eroded.

The NHS is intended to focus federal highway dollars on those roads that are most important for meeting America's personal, commercial, and defense mobility needs. S. 440 designates the routes identified by Transportation Secretary Federico Peña, based on the recommendations of state and local officials. These roads carry 40% of all highway traffic and 75% of commercial truck travel. Over 80% of intercity passenger miles are traveled by highway, and NHS routes carry the bulk of that passenger service.

In stark contrast, Amtrak carries just three-tenths of one percent (0.3%) of all intercity passenger miles traveled. Ridership and revenues continue to fall, according to a February 1995 General Accounting Office (GAO) report, and even in the Northeast Corridor where the railroad gets its heaviest ridership, revenues cover only 65% of costs. Not a single Amtrak route is profitable when capital costs are taken into account, GAO says. Over the next five years, Amtrak will accrue a \$1.3 billion operating deficit—even after accounting for both its revenues and a billion dollar-per-year federal subsidy. In addition, the railroad will need \$4 billion in capital investments just to keep its facilities and equipment in working order.

It's clear why Amtrak's leadership and supporters would be looking for a financial prop. GAO says, however, that even the service cutbacks and other cost-cutting measures recently instituted by Amtrak are unlikely to close the deficit gap, and Congress should consider whether the railroad's "original mission of providing nationwide intercity passenger rail service" is still appropriate.

Whatever decision Congress makes with respect to Amtrak, the Highway Trust Fund should not be tapped for the subsidy. The U.S. already invests about \$13 billion per year less than the amount needed just to maintain conditions on our roads and bridges, according to the Federal Highway Administration. This under-investment has resulted in a current backlog of \$290 billion in needed road and bridge repairs. There simply is not enough money to meet our fundamental transportation needs, let alone enough to subsidize a passenger rail system that shows no promise of ever paying its own way.

Along with other organizations participating in the Keep America Moving coalition, an alliance of businesses, trade associations, and consumer groups dedicated to prompt enactment of the NHS, we are building constituent and media support for the NHS. We believe the bipartisan list of S. 440 cosponsors, including 15 Environment and Public Works Committee members, reflects the widespread public support for the NHS, and we hope the legislation ultimately reported by the committee will enjoy the same breadth and depth of support.

Sincerely,

WILLIAM D. FAY,  
President.

AMERICAN PORTLAND CEMENT ALLIANCE,  
Washington, DC, June 19, 1995.

Hon. JOHN WARNER,  
Chairman, Transportation and Infrastructure  
Subcommittee, U.S. Senate, Washington,  
DC.

DEAR JOHN: The American Portland Cement Alliance (APCA), which represents virtually all U.S. cement production, would like to thank you for your leadership on S. 440, the "National Highway System Designation Act of 1995."

In light of positive developments, APCA has become aware of an amendment which Senator Roth may offer to make Amtrak routes eligible for federal highway funds. APCA strongly opposes the Roth amendment.

Motorists' fuel taxes paid into the highway trust fund should be used to construct and maintain our nation's highways and bridges—not to subsidize passenger rail service. The nation's highway system has a \$290 billion backlog of road and bridge needs and cannot afford to spend limited dollars for other than their intended purpose.

In addition, Amtrak carries only three tenths of one percent (0.3%) of all intercity passenger miles traveled and no freight. In contrast, highways carry over 80% of intercity passenger miles and nearly 80% of the dollar volume of all freight moved in the United States.

APCA urges you to continue your support for prompt passage of S. 440, and to oppose an amendment to subsidize Amtrak with highway funds.

Sincerely,

RICHARD C. CREIGHTON,  
President.

Mr. WARNER. Mr. President, I do not feel that the various organizations in opposition to this amendment have in any way tried to state their case other than in a straightforward way. I have received—perhaps the other managers have—a letter from the chamber of commerce.

They state very succinctly in here the following:

However, if an Amtrak amendment is successful, the Chamber's support for S. 440 would be in serious jeopardy. In particular, we are very concerned about the findings contained in a February 1995 General Accounting Office report on Amtrak which shows that:

Not a single Amtrak route is profitable when capital costs are taken into account, revenues cover only 65 percent of the cost;

Amtrak will need \$4 billion in capital investment just to maintain its equipment and facilities;

Over the next five years, Amtrak will accrue a \$1.3 billion operating deficit, despite its revenues and its \$1 billion-per-year federal subsidy; and

Despite service cutbacks and other cost-cutting measures, Amtrak is unlikely to close its deficit gap.

The September 30, 1995 deadline for passage is coming quickly. The needs of the transportation infrastructure are too important to let this opportunity pass by.

They continue, I think, in a very responsible, straightforward way.

I do not find that those petitions to try to intervene on behalf of those of us who feel that this amendment is not wise have in any way gone beyond the facts and how they interpret their facts in terms of their own interests.

So, I conclude by saying that the statements by the Senator from Mon-

tana, particularly those referencing the gas tax—and the citizens go up to the tank. I happen to be from a donor State and represent a donor State. They pay that Federal gas tax knowing or hoping that an equal percentage would come back to the State, the Commonwealth of Virginia. Regrettably, it does not. We do not get back in my judgment all that we ought to in a fair proportion. But that battle is for another day, and I will join others in waging it.

Consequently, when a rider for Amtrak goes down and gets on the train he or she does not pay a similar tax as does the driver of an automobile.

So this amendment, in effect, would let Amtrak back up to that driver's gas tank and drain out the gas. It would take the gas out of the momentum that we now have for this particular highway program, and we have good momentum. I do not want to see that happen. This bill will add to that momentum.

So accordingly, Mr. President, I will suggest and urge my colleagues not to accept this amendment.

Mr. President, on behalf of the managers, we yield back our time.

Mr. President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to table.

Mr. WARNER. Mr. President, leadership requests a quorum call be placed, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I support the amendment offered by my colleagues from Delaware. This amendment reinforces the flexibility that the Intermodal Surface Transportation Efficiency Act, so-called ISTEA, gave to the States in setting the States' transportation policies.

That landmark legislation allowed States and local officials, for the first, time to determine how they want to spend their money. They can spend it on highway projects or transit facilities or other alternative transportation methods, even to the extent of bikeways and pedestrian walkways.

The amendment by the Senators from Delaware builds on this flexibility by enabling the States to direct their so-called congestion mitigation and air quality and surface transportation program funds to intercity passenger rail.

Passenger rail service is an important national resource. It is particularly important to the region of the country that includes my State, Rhode Island. I cannot imagine what the

transportation situation would be on the east coast without passenger rail service, other than total gridlock. The highways and airways are already extremely congested and there is little room to build more highways and airports. The cost of building major new facilities in this part of the country would be prohibitive.

We have one example now in this part of the country—the central artery in Boston. The cost of improving 3.5 miles of highway and building a 3.5 mile third harbor crossing is now estimated at \$8 billion and rising—over \$2 billion a mile. Imagine what kind of passenger rail service we could have for \$8 billion.

Yet, we are clearly in danger of losing passenger rail service in this country, and I believe that would be a terrible mistake.

Over the past year, Amtrak has been in the process of restructuring its operations. So far, the results are encouraging. Thomas Downs, the president and chairman of the board of Amtrak, testified before the Surface Transportation Subcommittee last Friday that Amtrak is ahead of schedule in achieving a net savings of \$173 million for fiscal year 1995. Amtrak is also working on innovative financing options, such as partnerships with State and local officials.

Amtrak has a pivotal role to play in the Nation's transportation system. Intercity passenger rail is a vital link between automobile, bus, transit, and aviation transportation. Although the bill before us is entitled the National Highway System Designation Act, the NHS designation is a part of a multimodal national transportation system. We must not forget the big picture.

I want to point out just a few of the benefits of passenger rail.

First, passenger rail travel has made a significant contribution to the economic growth and prosperity of our Nation. Rail service in the Northeast corridor, for instance, has contributed to a major expansion of economic opportunities in the areas of Boston, New York, and Washington. It has also given other smaller cities like New Haven, CT; Trenton, NJ; and Providence, RI, the ability to take advantage of economic development opportunities that they would not otherwise have.

Second, Amtrak provides travelers with a fuel efficient alternative to crowded highways and airways. As our highways and airways become more and more congested, travelers need more choices in mobility. Rail provides an environmentally sound alternate mode of travel to the automobile.

Finally, there is the larger issue of State flexibility. One of the central principles of the surface transportation law is that State and local officials should have as much flexibility as possible to spend Federal-aid funds on their highest priorities.

Another important ISTEA principle is that the best transportation system

is an intermodal system. All modes of transportation must be considered when funding decisions are made. The Senators' amendment will give States the flexibility to consider the needs of passenger rail when they make their transportation funding decisions.

The amendment of the Senators from Delaware is in keeping with the flexibility that is so important for the success of the surface transportation law. It does not require the States to spend any of their ISTEA money on passenger rail. It simply provides the States with another tool to provide passenger rail service if they choose to do so.

It is my hope that the amendments by the Senators from Delaware will be approved.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I would like to propose the following unanimous-consent request: That the present amendment be laid aside, and that the Senate then proceed to the amendment by the Senator from West Virginia, and if the yeas and nays are ordered on it, that the vote be set aside, and the Senate then proceed to debate on the amendment of the Senator from North Dakota [Mr. DORGAN], and at the conclusion of that all three votes occur in sequence but that should not occur before the hour of 7:40 p.m.

I now yield to the Senator from Montana.

Mr. BAUCUS. Mr. President, I inquire of my good friend and colleague from Virginia, I wonder if that could be further amended so that there could be other amendments considered prior to the time indicated in the event not all time is used on those two amendments, that is, the amendment offered by the Senator from West Virginia as well as the amendment offered by the Senator from North Dakota.

Mr. WARNER. Mr. President, I did not understand the Senator from Montana.

Mr. BAUCUS. It is possible that not all time will be used.

Mr. WARNER. That is correct. And if there is a period of time following the sequence of these amendments, then the Senate could turn to consideration of other amendments but the understanding is no votes would occur before the hour of 7:40 p.m.

Mr. BAUCUS. Right. Correct.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, will the vote on my amendment be up or down—up or down on the amendment?

Mr. WARNER. Mr. President, I would recommend that that be the case.

Mr. BYRD. I ask unanimous consent that the vote occur on the amendment.

The PRESIDING OFFICER. Is there objection to the request, as so modified? Without objection, it is so ordered.

Mr. WARNER. I yield the floor.

Mr. BYRD. Mr. President, I yield myself such time as I may require from the time allotted to me.

#### AMENDMENT NO. 1446

(Purpose: To require the withholding of Federal highway funds if a State fails to provide that any minor in the State who operates a motor vehicle and has a blood alcohol concentration above a specified level shall be considered to be driving while intoxicated or driving under the influence of alcohol)

Mr. BYRD. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER (Ms. SNOWE). The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. EXON, Mr. BUMPERS, Mr. BRADLEY, Mr. BIDEN, Mr. GLENN, Mr. HATFIELD, Mr. DODD, Mr. LAUTENBERG, Mr. JOHNSTON, Mr. SIMON, Mr. INOUE, Mr. ROCKEFELLER, Mrs. BOXER, Mr. DASCHLE, Mrs. FEINSTEIN, Mr. MOYNIHAN, Mr. REID, Mr. PRYOR, Mr. HARKIN, Mr. STEVENS, Mr. HATCH, Mr. LEVIN, Mr. BAUCUS, Mr. WELLSTONE, Mr. DORGAN, Ms. MOSELEY-BRAUN, and Mr. PELL, proposes an amendment numbered 1446.

Mr. BYRD. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title I, insert the following:

#### SEC. 1. OPERATION OF MOTOR VEHICLES BY INTOXICATED MINORS.

Section 158(a) of title 23, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) OPERATION OF MOTOR VEHICLES BY INTOXICATED MINORS.—

“(A) FISCAL YEAR 1998.—If the condition described in subparagraph (C) exists in a State as of October 1, 1998, the Secretary shall withhold, on October 1, 1998, 5 percent of the amount required to be apportioned to the State under each of paragraphs (1), (2), (5), and (6) of section 104(b) for fiscal year 1998.

“(B) FISCAL YEARS THEREAFTER.—If the condition described in subparagraph (C) exists in a State as of October 1, 1999, or any October 1 thereafter, the Secretary shall withhold, on that October 1, 10 percent of the amount required to be apportioned to the State under each of paragraphs (1), (2), (5), and (6) of section 104(b) for the fiscal year beginning on that October 1.

“(C) CONDITION.—The condition referred to in subparagraphs (A) and (B) is that an individual under the age of 21 who has a blood alcohol concentration of 0.02 percent or greater when operating a motor vehicle in the State is not considered to be driving while intoxicated or driving under the influence of alcohol.”; and

“(2) in paragraph (2), by striking “AFTER THE FIRST YEAR” and inserting “PURCHASE AND POSSESSION OF ALCOHOLIC BEVERAGES BY MINORS”.

Mr. BYRD. Madam President, I have offered this amendment on behalf of myself and the following Senators:

Senators EXON, BUMPERS, BRADLEY, BIDEN, GLENN, HATFIELD, DODD, LAUTENBERG, JOHNSTON, SIMON, INOUE, ROCKEFELLER, BOXER, DASCHLE, FEINSTEIN, MOYNIHAN, REID, PRYOR, HARKIN, STEVENS, HATCH, LEVIN, BAUCUS, WELLSTONE, DORGAN, MOSELEY-BRAUN, and PELL.

Mr. WARNER. Madam President, would the distinguished Senator from West Virginia add the Senator from Virginia as a cosponsor?

Mr. BYRD. I would be delighted. I ask unanimous consent that I might add the able Senator from Virginia, Mr. WARNER, as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, one of the most important and pressing problems on our Nation's highways is teenage drunk driving. Today I am offering an amendment that seeks to address this persistent, serious, and tragic problem. My amendment would require that the States adopt a “zero tolerance” standard for drivers under the age of 21. If States fail to adopt a driving-while-intoxicated [DWI] or a driving-while-under-the-influence [DUI] policy of .02 percent of blood-alcohol content for minors, they will lose 5 percent of their Federal highway construction funds in fiscal year 1998, and 10 percent of their Federal highway funds every year thereafter.

My amendment builds upon one of the most important—and successful—Federal initiatives related to alcohol and minors—a 1984 requirement that States adopt laws prohibiting the possession or purchase of alcohol by anyone younger than twenty-one years of age. Any State not in compliance by September 30, 1985, forfeited 5 percent of its Federal highway construction funds for that year and 10 percent of its Federal highway construction funds for each year of non-compliance thereafter. Before enactment of this law, only 18 States had a 21-year-old minimum drinking age. Today, all States have 21-year-old drinking age.

So that single action by the Congress and the States has significantly helped to reduce the carnage on our Nation's highways. The National Highway Traffic Safety Administration [NHTSA] has estimated that the 21-year-old drinking age has saved 8,400 lives since 1984. Further, in 1993, the last year for which statistics are available, the 21-year-old drinking age requirement is estimated to have saved \$1.8 billion in economic costs to our society.

The Congress should now take the next step, and explicitly state, as a matter of law, that minors are not allowed to drink and drive. My amendment is simple and straight forward—since it is illegal for minors under the age of 21 to possess or purchase alcohol—that is, publicly possess or purchase alcohol—any level of consumption that is coupled with driving should be treated, under the requirements of each State's laws, as driving while intoxicated.



This amendment sets the right example, and tells our Nation's youth that drinking and driving is wrong; that it is a violation of law; and that it will be appropriately punished according to the laws of each State. To oppose this amendment is to send exactly the opposite message: namely, that it is acceptable and legal for a minor, who has been drinking, to drive a car, as long as that minor is under the DWI or DUI blood alcohol level for an adult over the age of 21.

In other words, my amendment corrects a glaring loophole in Federal law. Consider the example of a State that follows Federal law to the letter, and has made it illegal for a minor under 21 years of age to publicly possess or purchase alcohol. That same State, let us say, has a typical driving-while-intoxicated standard of a blood alcohol level of 0.10 percent. A minor in that State could consume alcohol in a private residence, and then legally drive an automobile, as long as the minor's blood alcohol level registers below 0.10 percent.

Under my amendment, the message to that minor is clear: you cannot drink and drive. Period. And, hopefully, this type of tough and absolute requirement in the law will encourage our young people not to drink at all.

As I explained, the passage of the Federal 21-year drinking age in 1984 led to the enactment of that standard by all 50 States. It is my expectation and hope that if my amendment were adopted, it would have similar results and increase the number of States that have zero tolerance laws from the current 24 States and the District of Columbia, to all of the States.

This zero tolerance amendment will save lives, and the life saved may be yours. It will save lives in the single most vulnerable group of drivers, namely teenagers. For the simple fact is that alcohol, when mixed with teenage driving habits, is a lethal combination.

First, let us examine the driving record of teenagers. As the chart to my left shows, of the percentage of drivers in fatal crashes who are exceeding the speed limit or traveling too fast for road conditions, teenagers are far more likely to be involved. This happens because teenagers are more likely, compared to older drivers, to engage in risky driving practices. A teenager's lack of experience and over-confidence can lead to accidents that often have fatal results, not only to teenagers, but also to their passengers or to pedestrians or to individuals in other automobiles, other innocent victims.

Teenagers are also involved in far more crashes than older drivers. As the chart to my left shows, a much higher percentage of teenagers than any other group is involved in police-reported crashes per million miles traveled.

Adding alcohol to this situation can make it a deadly combination for teenagers and for other drivers on the road. Quite simply, teenagers who drive while consuming alcohol are far more

likely to speed, to be distracted by other passengers, to disregard road signs and conditions, and to drive recklessly.

As a result, according to NHTSA, 40 percent of the traffic fatalities in the teenage group are alcohol related. Forty percent of the traffic fatalities involving drivers, ages 15 to 20, are alcohol related. The result is carnage on our Nation's highways. Twenty-eight percent of 17- to 19-year-old drivers who were killed in 1993 crashes had high blood alcohol concentrations.

But our concern should not only be for the teenage drivers, but also for the innocent, law-abiding victims who are killed and maimed by teenage drunk drivers. In 1994, approximately 2,200 people were killed because of minors who were drinking and driving, and of that group, 1,600 were young people themselves.

Teenagers are generally inexperienced at both drinking and driving, so even small amounts of alcohol combined with driving can result in serious accidents and death. Approximately one-third of the 15- to 20-year-old drinking drivers in fatal crashes had blood alcohol content levels of less than 0.09 percent.

I would like to repeat that fact, as it underscores the importance of my amendment: one-third of all fatal crashes involving teenage drunk drivers involved a blood alcohol level below the DWI level used in most States, and even below a 0.08 or 0.09 DUI standard of some States. In fact, teenage drivers with blood alcohol levels of 0.05 to 0.10 percent are far more likely than sober teenage drivers to be killed in single-vehicle crashes—18 times more likely for males, 54 times more likely for females.

My amendment requires a "zero tolerance" policy, which is already the law in 24 States and the District of Columbia. I am advised that two other States have enacted legislation to provide for zero tolerance, but the legislation has not yet been signed into law, but it is expected to be within the course of the next week or so. This amendment recognizes that when teenagers drink, regardless of the amount, they have significantly increased the probability that their behavior will result in an accident, and a serious one at that. Perhaps fatal. My amendment recognizes that teenagers and alcohol—any amount of alcohol—is a dangerous, and often lethal, combination. We must be consistent, and condemn any level of drinking and driving by minors. To do anything less is to condone the illegal use of alcohol by minors.

The record shows that zero tolerance saves lives. As I have stated, 24 States have already enacted the zero-tolerance law which is called for in my amendment and it has proved to be very effective.

In Maine, North Carolina, Wisconsin, and New Mexico, which have adopted zero tolerance laws, lower blood alcohol limits for minors resulted in a 34

percent decline in nighttime fatal crashes among younger drivers. Various studies have shown that these zero-tolerance laws can reduce fatal accidents, and they will reduce fatal accidents. A 1992 Federal study in Maryland found that car accidents involving drivers under the age of 21 who had been drinking, declined eleven percent after the zero-tolerance law was adopted. Further, there was a 50 percent drop in accidents in areas where the penalties were promoted with a publicity campaign.

Whenever we lower the accident rate on our Nation's highways, we also directly lower costs to society. When someone is injured in a car accident, we all pay a price, either in the form of increased health insurance premiums, or more directly through Medicaid and other forms of State and Federal government assistance. This important point should not be ignored: At the very time that we are trying to lower the deficit, we should not leave a loophole in Federal law that allows teenage drunk drivers to cause accidents that increase Federal health and income-support costs.

The abuse of alcohol continues to be one of the most pressing problems of our society, and the consequences can be felt throughout our Nation—at home, at work, and in public places. While our society has made great strides in recent years, we have barely begun to deal with the problem. And there is no better place to start than with our Nation's youth.

Our Nation's young people are encouraged and tempted to consume alcohol by the movies they see, by the TV commercials, by the magazines they read, and by the huge flow of print advertisements for alcoholic beverages.

But it is adults who must set the example for what is appropriate behavior. And the adults are foremost the parents of these young people. We have a responsibility to the Nation's youth to help prevent drunk driving by adopting this amendment. We should take this positive step—a step that involves clear and decisive action, and not just rhetoric—and help get teenage drunk drivers off the roads.

When it comes to substance abuse in this Nation, alcohol is our biggest scourge. Almost 14 million Americans over 18 are alcoholics. Another 1.3 million suffer alcohol dependency. Overall, close to 8 percent of adults have a problem with liquor, costing the economy an estimated \$100 billion every year in lost productivity and in health care costs.

So the very least we can do as a Nation that purports to care about the health, safety, and well-being of its people is to try to nip this alcohol plague in the bud by discouraging the early drinking that often results in later addiction or alcohol dependency.

We have heard a lot of debate during consideration of this legislation about personal freedoms and States rights. But if we, who claim to be national

leaders, decline to try to set even bare minimum standards and guidelines for behavior which is dangerous, destructive, and unacceptable for our young people, why have we chosen national public service as a vocation in the first place? At the very least, we should not abdicate our leadership role when it comes to our Nation's most precious resource, its young people. If we do not have the courage to take a stand on this most obvious of issues—drunk driving by minors—we will have surely failed, not only in our official capacity, but also in a larger moral sense as well.

I commend President Clinton for speaking out on this matter.

I ask unanimous consent that a letter transmitted to me today signed by the President, and also other materials that are relevant to the subject about which I have been speaking, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,  
Washington, June 21, 1995.

Hon. ROBERT BYRD,  
U.S. Senate,  
Washington, DC.

DEAR ROBERT: Drinking and driving by young people is one of the nation's most serious threats to public health and public safety. I am deeply concerned about this ongoing tragedy that kills thousands of young people every year. It's against the law for young people to drink. It should be against the law for young people to drink and drive.

As you know, earlier this month, I called on Congress to make Zero Tolerance the law of the land. I support your amendment to the National Highway System Designation Act, which would achieve this goal.

A decade ago, we decided as a nation that the minimum drinking age should be 21. In 1984, President Reagan signed bipartisan legislation to achieve this goal, and today all 50 states have enacted such laws. Our efforts are paying off—drunk driving deaths among people under 21 have been cut in half since 1984.

But we must do more. Twenty-four states and the nation's capital have enacted Zero Tolerance laws that consider a driver under age 21 to be "driving while impaired" after just one full drink of alcohol. These laws work—alcohol-related crashes involving teenage drivers are down as much as 10-20 percent in those states. If all states had such laws, hundreds more lives could be saved and thousands of injuries could be prevented.

I commend your efforts today, and I urge the Senate to pass your amendment.

Sincerely,

BILL CLINTON.

From Advocates for Highway and Auto Safety.

Re zero tolerance for youth fact sheet.

Federal law (the National Minimum Drinking Age Act of 1984) requires every state to make purchase or public possession of alcoholic beverages by those under age 21 illegal, or the state loses a portion of its federal highway funds. As a result, all states passed laws making 21 the legal drinking age.

The National Highway Traffic Safety Administration (NHTSA) credits increases in the legal drinking age with preventing close to 1,000 traffic deaths a year. (Public Health Reports Nov-Dec 1994, Hingson, Heeren and Winter)

As of April 1994, 29 states and DC passed lower blood alcohol concentration laws for

youthful drivers. 26 states and DC have zero tolerance (.00, .01 or .02) laws.

Youths have a lower tolerance for alcohol than adults and their driving is impaired with any consumption.

Motor vehicle crash injuries are the leading single cause of all injury-related youth fatalities, followed by homicide; In 1993, 5,905 youths age 15-20 died in motor vehicle crashes. 2,364 of those deaths were alcohol-related.

The National Institute on Drug Abuse reports that almost one-third of high school seniors binge drink.

A 1994 study published in the November-December issue of Public Health Reports comparing 12 states with lower tolerance laws for youth to neighboring states without such laws showed that zero tolerance laws are likely to reduce youth fatalities significantly whereas lower tolerance laws (.04 or .06) do not.

A comparison of drivers involved in single vehicle fatal crashes revealed that each .02 percent increase in blood alcohol concentration nearly doubled the risk of fatal crash involvement for all drivers. (Public Health Reports)

According to NHTSA seven percent of licensed drivers are ages 15-20. But 15 percent of drivers in fatal crashes are between the ages of 15 and 20, and 21 percent of deaths in crashes involve a driver of that age.

A study of the first four states to have reduced legal blood alcohol concentration for youths, comparing them to four neighboring states which did not reduce youth legal BAC revealed a 34 percent decline in night fatal crashes among adolescents in those states with reduced legal BAC for youths.

Teen drivers are inexperienced. They are more likely to speed and take other risks on the road. Their inexperience and risk taking combined with impairment from alcohol consumption markedly increase their chances for crashes.

Mr. BYRD. I urge the Senate to adopt my amendment. I reserve the remainder of my time.

I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I rise in support of Senator BYRD's amendment to the national highway system bill relating to zero tolerance for under-age drivers.

In 1984, I sponsored legislation that required States to enact laws making it illegal for anyone under the age of 21 to purchase and publicly possess alcoholic beverages.

I sponsored this legislation for one simple reason—our children were dying on our highways. And they were dying for the sake of a drink.

Studies have shown that alcohol—even at very low levels—can cause young people to lose their judgment and behave without regard to the risks of driving at about twice the rate of drivers 21 or older.

Mr. President, since the national 21 drinking age was enacted nationally, 9 thousand lives have been saved.

And since 1975, when States first started enacting laws like this one locally, as estimated 10,000 lives and over \$30 billion in economic costs have been saved.

In 1993 alone, 2,364 youths—young people between 15 and 20 years old—died in alcohol-related crashes.

And 23 percent of the 15- to 20-year-old drivers who were involved in these fatal crashes had some alcohol in their blood.

So how do we keep our children from killing themselves when studies show that over 95 percent of American adolescents will have experimented with alcohol by the time they are seniors in high school?

I believe Senator BYRD's amendment can help us do just that.

Mr. President, there is mounting evidence which demonstrates that blood alcohol concentration levels as low as .015 can impair a person's ability to make the kind of judgments needed to operate a motor vehicle safely.

And as I indicated before, the evidence is clear: young drinking drivers behave differently from older drinking drivers. For young people, more than adults, alcohol—even at very low levels—may cause them to lose judgment and behave without regard to the inherent risks of driving at about twice the rate of drivers 21 years or older.

But despite the evidence, many States still use the same standards to determine if a young person is under the influence as they apply to older drivers.

That does not make sense.

At present 24 States and the District of Columbia have laws which allow zero tolerance for those under 21 who are caught drinking and driving.

These laws consider young drivers in violation of the law if they are caught with a .02 BAC level or more. A .02 or .01 BAC level is considered zero tolerance given the present level of technology of alcohol breath-testing devices.

There are an additional eight States that have laws which set zero tolerance for drivers less than 18—or have laws that set lower allowable BAC levels for underage drivers.

A Maryland study showed a 21-percent reduction in alcohol-related traffic accidents involving youth under the age of 21 after it enacted its .02 BAC law for younger drivers. When Maryland combined the .02 BAC law with a public information campaign, alcohol-related traffic accidents involving youth under the age of 21 dropped by 50 percent.

These are impressive statistics. They demonstrate the kind of impact that Senator BYRD's amendment will have on the safety of the American public, particularly young Americans.

The human tragedy of teenage drunk driving is measured in the funerals of too many bright and promising young people who made the fatal decision to drink and drive—and too many funerals of law-abiding citizens who were victimized by drunk drivers.

The national 21 minimum drinking age was a step in the right direction. We need to keep going. The Byrd amendment does that. It will save lives—young lives.

I encourage my colleagues to support the Byrd amendment.

Mr. WARNER. Madam President, the distinguished Senator from Montana and I have conferred as managers. We see no one who wishes to speak at this time on the Byrd amendment. Therefore, I ask unanimous consent that the time remaining on the Byrd amendment be 20 minutes, and that it be equally divided between the Senator from West Virginia and the managers of the bill.

Then the Senate would now proceed to the amendment of the Senator from North Dakota.

Mr. BYRD. Madam President, reserving the right to object, I will not object, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 1445

(Purpose: To require the transfer of certain Federal highway funds to a State highway safety program if a State fails to prohibit open containers of alcoholic beverages and consumption of alcoholic beverages in the passenger area of motor vehicles)

Mr. DORGAN. Madam President, my understanding of the legislative circumstances are that we have set aside the amendment offered by the Senator from West Virginia, in which case I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1445.

Mr. DORGAN. I ask unanimous consent further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title I, insert the following:

#### SEC. 1 . OPEN CONTAINER LAWS.

(a) ESTABLISHMENT.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

##### “§ 161. Open container requirements

“(a) PENALTY.—

“(1) GENERAL RULE.—

“(A) FISCAL YEAR 1998.—If, at any time in fiscal year 1998, a State does not have in effect a law described in subsection (b), the Secretary shall transfer 1.5 percent of the funds apportioned to the State for fiscal year 1999 under each of paragraphs (1), (2), and (3) of section 104(b) to the apportionment of the State under section 402.

“(B) FISCAL YEARS THEREAFTER.—If, at any time in a fiscal year beginning after September 30, 1998, a State does not have in effect a law described in subsection (b), the Secretary shall transfer 3 percent of the funds apportioned to the State for the succeeding fiscal year under each of paragraphs (1), (2), and (3) of section 104(b) to the apportionment of the State under section 402.

“(b) OPEN CONTAINER LAWS.—For the purposes of this section, each State shall have

in effect a law that prohibits the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle (including possession or consumption by the driver of the vehicle) located on a public highway, or the right-of-way of a public highway, in the State. If a State has in effect a law that makes the possession of any open alcoholic beverage container unlawful in the passenger area by the driver (but not by a passenger) of a motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers, the State shall be deemed in compliance with subsection (a) with respect to the motor vehicle for each fiscal year during which the law is in effect.

“(c) FEDERAL SHARE.—The Federal share of the cost of any project carried out under section 402 with funds transferred under subsection (a) to the apportionment of a State under section 402 shall be 100 percent.

“(d) TRANSFER OF OBLIGATION AUTHORITY.—If the Secretary transfers under subsection (a) any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall allocate an amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs for carrying out only projects under section 402 that is determined by multiplying—

“(1) the amount of funds transferred under subsection (a) to the apportionment of the State under section 402 for the fiscal year; and

“(2) the ratio of the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs to the total of the sums apportioned to the State for Federal-aid highways and highway safety construction (excluding sums not subject to any obligation limitation) for the fiscal year.

“(e) LIMITATION ON APPLICABILITY OF HIGHWAY SAFETY OBLIGATIONS.—Notwithstanding any other law, no limitation on the total of obligations for highway safety programs carried out by the Secretary under section 402 shall apply to funds transferred under subsection (a) to the apportionment of a State under section 402.

“(f) DEFINITIONS.—In this section:

“(1) ALCOHOLIC BEVERAGE.—The term ‘alcoholic beverage’ has the meaning provided in section 158(c).

“(2) MOTOR VEHICLE.—The term ‘motor vehicle’ has the meaning provided in section 154(b).

“(3) OPEN ALCOHOLIC BEVERAGE CONTAINER.—The term ‘open alcoholic beverage container’ has the meaning provided in section 410.

“(4) PASSENGER AREA.—The term ‘passenger area’ shall have the meaning provided by the Secretary by regulation.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

“161. Open container requirements.”.

Mr. DORGAN. Madam President, I listened with interest to my colleague, the Senator from West Virginia, Senator BYRD, and I have added my name as a cosponsor to his amendment. I think it is good legislation. I think it will save lives. I am pleased to support him and I hope that my colleagues in the Senate will vote for the legislation he has offered.

I offer an amendment dealing with the same subject, the subject of drink-

ing and driving. My amendment deals with the subject of open containers of alcohol in vehicles.

Sunday was Father's Day in our country, a day that many remembered fondly with our families. Sunday was also a day in which eight people were killed on a California highway, two of them toddlers, four of them children, two adults: a 2-month-old named Antonio, a 2-year-old named Carina, a 3-year-old named Suleima, a 9-year-old named Jairo.

These children were in a car last Sunday on a California highway. I read about it Monday morning. A drunk driver came down the highway and cut into the back of the car that these children were in at a high rate of speed, apparently, in a reckless manner, according to the newspaper accounts. The car began to flip and became a fireball. These six children died on Father's Day in that accident.

The person that pulled in apparently was driving a pickup truck, according to the newspaper accounts, and was drunk. The driver of the truck had been convicted previously of drunk driving and was driving drunk on Father's Day without a license, and kills six children and two adults.

I point this out only because I read about it Monday morning and understood, again, the horror of it. It happens every day, all day, all across this country. Every 30 minutes someone else gets a telephone call or a knock on the door saying, “Your loved one has been killed because someone in this country was driving drunk.”

I received a telephone call at 10:30 in the evening telling me that my mother had been killed in a drunk driving accident by a fellow who was fleeing from the police. Never in my life will I forget that telephone call and how I felt about it. I had received calls before. My sister's son, a pizza delivery boy, was also killed. That call came late at night. My cousin's son was killed a couple of weeks ago, the weekend of his high school graduation. He did not cross the stage because he was in a car that was hit by a train, driven, apparently, by someone who also had been drinking.

Everyone understands the pain and the agony of losing friends, acquaintances, and loved ones in accidents on America's roads. And all too often we understand the pain of losing someone in an accident that is caused by someone, also, who drank.

This is not some mysterious disease for which we do not understand the cure. We understand what causes these deaths and we understand how to stop it. People who drink and drive commit murder in this country. We ought not just blithely ignore it any longer.

I do not think my colleagues, know that according to the Department of Transportation, there are six States in America where you can get behind the wheel of your car, use your right hand to put the key in the ignition, and close your left hand over the bottle-neck of a bottle of whiskey and drive

on down the road and drink your whiskey and be perfectly legal. It is not a problem, because it is not against the law to be able to drink and drive in those States. In over half the States in this country, if the driver cannot drink, the rest of the folks in the car can have a party and pass the bottle around as they drive down the street.

My own view about drinking and driving in this country is that we ought to decide to separate the act of drinking from the act of driving.

I had hoped one day that this Senate will decide to develop an attitude about drinking and driving like the Europeans have. In most European countries, if you go out and see others out at a bar someplace, or a pub, you can be sure that one person out of those five or six people that are together is not drinking.

Why? Because they understand the penalties are far too severe to risk getting picked up for drunk driving. You just do not dare chance it. Most of those countries will not tolerate it. You do not even want to think about the penalty for drunk driving. In our country, all too often, it is a slap on the wrist, and then back to the road.

I was in a car with my late daughter that was hit by a driver so drunk he could not drive after he hit us. He totaled our car. Fortunately, neither of us were hurt. After hitting our car he kept driving and drove about half a block more into a streetlight, where his car stopped. He was too drunk to get out of the car.

Of course, he was not hurt because most often in those accidents it is the other people who are killed. The people who are drunk, by and large, do not get hurt very often.

But the point is, we all understand what is happening on our roads. It is carnage on America's roads.

Now, I do not want to go on a vacation and I do not want the Senator from West Virginia or the Senator from Montana to go on vacation, and drive from one State line to another State and discover that on the public roads in this next State that you are driving into, built in part with Federal funds, we have folks driving toward us who are able to drink in the car. Or we have folks driving toward us with four or five other people in the car, having a party, and that State finds that it is fine.

It is not fine with me. When we spend the billions of dollars to invest in our road system in this country, we ought to decide it is a national purpose to tell the people in this country that it does not matter which line you have crossed, what State you are moving through, in this country we made a decision, you shall not have open containers of alcohol in your car, in your vehicle. It is a national decision. This is a national problem.

My amendment, Madam President, is fairly simple. My amendment would require the States in this country to enact open container laws that prohibit open containers in vehicles.

If a State does not comply within 2 years, then 1.5 percent of its Federal highway construction funds would be transferred to the State's allocation amount for highway safety programs. It does not take the money away from the State. It simply does what we have done previously in the seatbelt laws and says if you do not conform, then 1.5 percent moves from the construction program over to the highway safety program.

If the State does not comply after September 30, 1998, then 3 percent of the money would be transferred to the safety program.

This amendment utilizes the identical incentives to encourage States to prohibit open containers of alcohol as it does on the seatbelt issue.

I know we will likely hear from some who come to this Chamber later 100 reasons why this should not be done. We have always heard reasons why we should not interfere.

This country must soon wake up and decide, as other countries already have in many parts of the world, to tell people who drive drunk that they are murdering people on our highways and we will no longer permit it. We think there should be certain sanctions, tough sanctions, tough punishment for people who drive drunk. I am suggesting that no State should be able to tell the citizens in its State or elsewhere that it is fine, when you enter our State line, to drink and drive. Or it is fine to have alcohol in the car and have other people drinking. At least, it is not fine with me.

We are heading, now, toward the Fourth of July weekend. It is one of the deadliest alcohol-related traffic holidays in our Nation. That is the case every single year. Madam President, 55 percent of the total traffic fatalities on July 4, 1993, the last year for which we have statistics, were alcohol related.

From 1982 to 1993—I came to the Congress in 1981; the person in the chair from Maine I suspect came in 1980 or 1982, somewhere in that period, to the U.S. House of Representatives—since that time, roughly 266,000 Americans have been killed in alcohol-related traffic accidents; 266,000 Americans in an 11-year period. It ought not continue. We ought to stop it and we ought to decide to have the courage as a Congress to tell everybody in this country do not even think about driving if you are drinking. Alcohol and driving do not mix and will not be tolerated anywhere in this country—anywhere in this country.

If the Congress would this evening enact the legislation I am proposing, we would, I think, send a signal in this country that we intend to be tough with respect to this issue. Madam President, 26 States do not have open container laws at the present time, according to the National Highway Traffic Safety Administration. I mentioned that six States do not have laws prohibiting drinking and driving at the

same time by drivers. I think there is a way for us to speak to that, and I hope we will.

There are as many reasons as there are people around here to find them that we should not do this. There are 266,000 reasons, 266,000 dead Americans in the last 11 years, whose memory we probably ought to honor today by passing this legislation. I cannot claim how many Americans we will save, how many lives we will save if we do the right thing in our country and tell people you cannot drink and drive; you cannot have open containers in your vehicle. But I know in my heart we are talking about tens of thousands of people, year after year, who will not lose their lives because someone was driving drunk.

There are at least six children in a morgue tonight who died on Father's Day who should not have died: Carina, Antonia, Suleima, Fidela, Jairo, and Omar. I name only six because it would take too long to name the number of people who died from alcohol-related accidents since Sunday, because it is every half hour, every hour of every day someone is killed because of a drunk driver. We can stop it if we will decide to exhibit the courage to stand up on a national basis and say this is our national message: Do not drink and drive in this country.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Montana.

Mr. BAUCUS. Madam President, I suggest the absence of a quorum and request the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DORGAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I ask unanimous consent the time be taken from both sides equally during the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1446

Mr. BAUCUS. Madam President, I would like to make a couple of comments on the amendment offered by the Senator from West Virginia.

I first want to commend the Senator from West Virginia. This is a very good amendment. It goes to the heart of the problem of teenage drinking. I commend him for offering this amendment. This amendment will help us reduce some of the slaughter on our Nation's highways, particularly the tragic deaths of teenagers.

Mr. BYRD. Madam President, I thank the distinguished Senator. I am very pleased to have him as a cosponsor.

Mr. BAUCUS. I thank the Senator. I might say to the Senator, we are very proud in Montana, particularly in Yellowstone County, of a program called It's Your Choice. It is sponsored by the Yellowstone County commissioners who provide the funding. A fellow named Dick Taylor, who is the head of the former ambulance service in Yellowstone County, saw so many deaths he finally said, "I need to do something about all this, particularly the deaths of teenagers." This program, It's Your Choice simulates crashes, including the police and ambulances coming to the scene of an accident. It is all realistically reenacted in high schools in Billings, MT.

As a consequence, the number of teenage deaths attributable to alcohol in traffic accidents has been reduced. Also the State of Montana has recently passed legislation providing the blood alcohol content cannot be more than .02 percent for teenagers.

The Senator from West Virginia is leading the effort for a national .02 alcohol content for youthful drivers, and I commend the Senator for his efforts.

Mr. BYRD. I thank the Senator, and I also thank the Senator from Virginia.

Mr. WARNER. Madam President, I join my distinguished colleague from Montana in commending my distinguished colleague from West Virginia.

Mr. BAUCUS. Madam President, I ask unanimous consent the pending amendment be temporarily laid aside so I might be able to call up another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendment is set aside.

AMENDMENT NO. 1447

(Purpose: To strike the section repealing restrictions on toll facilities)

Mr. BAUCUS. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself and Mr. MCCONNELL, proposes an amendment numbered 1447.

Mr. BAUCUS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 28, strike line 15 and all that follows through page 29, line 14.

Mr. BAUCUS. Madam President, this amendment is offered on behalf of myself, as well as Senator MCCONNELL. As I am sure my colleagues know, many of us are very pleased with the progress on this bill. It is a vital step in developing a national transportation strategy. It makes important gains in reducing some of the regulatory burden in our States, something we are all interested in doing.

But there is one item here in this bill which concerns me regarding tolls. The amendment I am offering today is very simple. It seeks to maintain current law which prohibits States from converting toll-free interstate highways into toll roads.

Let me explain why this is needed. Current law says States cannot put tolls on an interstate highway unless it was built without using Federal funds. Current law also allows States a little more flexibility on noninterstate highways. They can impose tolls on those roads, but only if it is done in conjunction with major repair or reconstruction.

The theory is you should get something for your money. Unfortunately, the language in the bill removes both of these restrictions. The bill would allow States to place tolls on any Federal highway, including the interstate highway system, regardless of whether or not the road is undergoing repair work.

I think that is a mistake. My amendment strikes this language from the bill. States planning major repairs to interstate highways can still place a toll on that road and use the revenue to pay for the repairs. That makes sense. Once a State pays for the repairs using tolls, further toll revenues can be used for other transportation purposes.

My amendment would prevent States from using toll roads as cash cows; that is, putting tolls on the road just to generate revenue. Drivers already pay a pretty steep gasoline tax in most States, and combined with the Federal-State portion it gets pretty high. I do not think we need yet another tax on top of that.

I urge my colleagues to support the amendment.

I ask unanimous consent that letters supporting the amendment from the American Trucking Association, the Highway Users Federation, and the National Association of Truck Stop Operators be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL BROTHERHOOD  
OF TEAMSTERS,  
Washington, DC, June 21, 1995.

DEAR SENATOR: The International Brotherhood of Teamsters urges you to support the effort by Senators Baucus and McConnell to strike section 117 of the National Highway System Bill (S. 440). Section 117 would allow states to impose tolls on interstate highways.

Section 117 is an unnecessary tax increase on the trucking industry and the motoring public. Highway users already pay millions of dollars in taxes annually into the Highway Trust Fund for the construction and repair of interstate highways. Consequently, passage of Section 117 would put the Senate on record as supporting the "double taxation" of highway users. Passage of this additional highway tax will place an economic burden on both the transportation and tourism industries. We encourage you to vote to strike Section 117.

We also encourage you to vote for the amendment likely to be offered by Senator Exon that would establish standards for truck trailer lengths under the NAFTA. We support the Senator's proposal to limit single trailer lengths to fifty three feet. It is imperative that U.S. highway safety standards are not compromised during negotiations to establish common truck safety standards under the NAFTA. Senator Exon's proposal is a critically important step in ensuring that we preserve the highest highway safety standards possible in North America.

Sincerely,

WILLIAM W. HAMILTON, Jr.,  
Governmental Affairs Department.

HIGHWAY USERS FEDERATION,  
Washington, DC, June 15, 1995.

Hon. MAX BAUCUS,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR BAUCUS: The Majority Leader moved to consideration of S. 440, the "National Highway System Designation Act of 1995," this afternoon. With fewer than 50 congressional working days remaining before the September 30 NHS funding deadline, prompt action on this measure is urgently needed. We want to inform you of our views on two specific amendments that may be offered during floor consideration of S. 440.

Tolls—we understand Senators Baucus and McConnell will offer an amendment to strike the section of S. 440 that would allow tolls to be placed on existing, free Interstate highways. We strongly support the Baucus/McConnell amendment. The prohibition against tolls on Interstate highways has existed for 40 years. Nearly 100% of the Interstate System is completed and open to traffic, paid for by highway users. To allow tolls now on existing, free Interstates is akin to charging a homeowner rent. Highway users have paid for construction of the Interstates and continue to pay for Interstate maintenance through Federal and state user fees. In addition, tolls on Interstate highways would seriously restrict the flow of interstate commerce and the mobility that American families and businesses depend on and have come to expect.

Amtrak—we understand Senator Roth may offer an amendment to make Amtrak routes eligible to receive Federal highway funds. We would strongly oppose the Roth amendment. Amtrak carries just three-tenths of one percent (0.3%) of all intercity passenger miles travelled and no freight. By contrast highways carry over 80% of intercity passenger miles and almost 80% of the dollar volume of all freight moved in the U.S. With a \$290 billion backlog of road and bridge

needs, it makes no sense to subsidize passenger rail service with our limited highway dollars.

The NHS is vital to America's economic and defense needs. We hope the bill approved by the Senate will garner the broad, bipartisan support that this important program deserves.

Sincerely,

THOMAS J. DONOHUE,  
President & CEO,  
American Trucking  
Associations, Inc.

WILLIAM D. FAY,  
President, Highway  
Users Federation.

NATSO, Inc.,  
Alexandria, VA, June 20, 1995.

Hon. MAX BAUCUS,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR BAUCUS: On behalf of NATSO, Inc., the professional and legislative representative of America's travel plaza and truckstop industry, I am writing to express grave concerns about a provision in S. 440 that would allow states to establish tolls on the Interstate highway system. I understand that you and Senator McConnell are offering an amendment to delete this provision, and the eight NATSO member locations in Montana as well as the more than 1,070 member locations nationwide strongly support your efforts.

NATSO opposes this provision for several reasons. First, highway users have already paid for the Interstate system. Every time fuel is purchased, motorists pay a tax into the highway trust fund that goes to support the Interstate system. Allowing the states the opportunity to collect tolls from Interstate travelers is nothing more than a new tax on the highway user. The Interstate traveler should not be forced to pay again for something already purchased.

Also, this provision will undoubtedly shift traffic from Interstate highways, proven to be the safest and most efficient, to secondary roads that have not been designed to handle large volumes of traffic. This proposal will increase congestion and traffic accidents. It will also devastate the truckstops, travel plazas and thousands of other roadside businesses that provide goods and services to the Interstate traveler.

Finally, if more transportation funds are needed, we believe that Congress should spend down the \$19.6 billion languishing in the highway trust fund. Instead of being used for its intended purpose, the highway trust fund is currently held hostage to make the federal deficit appear smaller. Asking the highway user to pay more—at a time when tax money already collected is not being spent—is wrong.

Again, NATSO strongly supports your amendment to delete this toll provision from S. 440. We will gladly provide assistance to you in your efforts to pass this amendment.

Sincerely,

W. DEWEY CLOWER,  
President.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, the managers are going to accept this. I see the presence of the cosponsor of the amendment on the floor. Following his remarks, I will then speak to the pending amendment.

So I yield the floor.

Mr. MCCONNELL. Madam President, I thank my friend from Virginia, and I want to commend the Senator from

Montana for the amendment he has offered of which I am the principal cosponsor.

I think he has adequately described the rationale for the amendment. Essentially, it is that we do not want the States to turn the interstate system into a way to raise revenue for themselves. That is not the basis upon which the Interstate Highway System was constructed.

This amendment would guarantee that could not happen. I am proud to be the principal cosponsor of this amendment.

Madam President, this amendment would strike section 117 of this bill. The provision I would like to remove is one that repeals the prohibition against States imposing tolls in Federal-aid highways, including the Interstate System.

To put it more simply, my amendment continues the ban on State tolling of federally built highways. Or to say it even more plainly, if you gave at the office, you should not have to give again on the road.

The Interstate System had helped to open up this vast country, removing all limitations on mobility. However, if section 117 is not removed from the bill, it could potentially turn our Interstate System into a heavily milked cash cow, where States squeeze additional dollars out of road that have already been paid for, through the excise tax on gasoline.

From sea to shinning sea, we could find our Federal highways transformed into elongated parking lots, bisected at regular intervals by toll plazas.

For the past 39 years, highway users have contributed to the highway trust fund, perhaps begrudgingly, but with the knowledge that these funds would be used for the construction and upkeep of the Nation's highway infrastructure. This national contract with highway users was established in 1956, with the Federal-Aid Highway Act. As we all know, 90 percent of trust fund revenues comes from the ever-increasing excise tax on gasoline. But it is fed by other revenue sources as well, including a sales tax on tires, trucks, and buses, as well as taxes on truck usage.

In short, Madam President, if it moves on a highway, we have already taxed it—and we've taxed the gasoline it runs on. America's drivers are not exactly suffering from a dearth of taxes and user fees.

Since 1956, when the highway trust fund was first established, American motorists have contributed \$278 billion in net revenue to the fund. In return, highway users have been afforded free access to the Interstate System, unencumbered by a gauntlet of toll plazas. Congress should honor the contract it made with motorists—and eliminate the loophole contained in section 117.

My amendment will ensure that our Interstate System remains free from the double taxation of tolls, which would disproportionately affect poorer Americans.

Aside from my strong opposition to the double taxation of highway users, I also believe this toll provision is bad economic policy. It could potentially ruin hundreds of small businesses that cater to highway users. Should States decide to exact their pound of flesh at every highway exit, communities and business will be severely harmed as they are cut off from their customers.

As someone who has personally traveled thousands of miles on Kentucky roads, I am all too familiar with the impact of highway tolls. In Kentucky, economic development adjacent to highways and parkways did not occur until these roads became toll-free. Only then did businesses blossom to meet the needs of tired, hungry, and road-weary motorists.

Not only would many small businesses be crippled, but motorists and truckers would no longer benefit from highly competitive roadside services. Instead, users would essentially be forced to accept the overpriced gasoline and food concerns which would be given virtual monopoly rights at tolling areas.

This provision will of course add to the cost of trucking, travel, and commerce—all of which would be reflected in bottom-line prices at the grocery store and elsewhere.

To suggest that tolls are paid only by highway users is a gross economic oversimplification. Toll roads add to the cost of any goods shipped cross-country. These same costs will hit the tourist industry of every State hard, as families are forced to stay closer to home or forego travel altogether.

I know that, in Kentucky, tourism would be substantially reduced by State tolling of Federal highways, for our State is a crossroads for interstate travel.

Ever since the 1950's, when the United States embarked on its mission of establishing the Dwight D. Eisenhower Interstate Highway System, these roads were meant to be toll-free. If toll booths were suddenly erected on Federal highways, traffic would snarl up, thereby adding to the cost and travel time. Anybody who has traveled a toll road can tell you that exists are not always located at every crossroad.

In fact, on many toll roads, it is not uncommon for exits to be separated by 20 miles or more. If tolls are permitted on Federal highways, the communities and businesses that have developed around highway access points could be cut off. The network of roads, exits, and intersections are a vital part of the national highway contract. It is unacceptable—and potentially disastrous, to change the terms of our Federal agreement.

Finally, tolls could result in an increase in air pollution. It is widely accepted that vehicles operate more efficiently at steady speeds. Long lines and stop-and-go traffic caused by toll plazas will needlessly pump greater amounts of pollution into the atmosphere.



We are told that proponents of toll roads are developing new, high-technology methods of collecting tolls—without the safety, congestion, and pollution problems caused by toll roads. I do not know whether such an idea should be met with admiration or alarm. The notion that the Government could stick huge barcodes on every vehicle, which then would be read by high-speed laser scanners at checkpoints, does not exactly elicit cheers of enthusiasm for the advances of modern technology.

Frankly, whether a toll is taken by a live human being or a high-technology scanner is a bit like making a distinction between holding up a bank in person or embezzling funds via computer. In either case, the loss of funds is felt just as acutely.

Madam President, I am not alone in this view. This proposal is also strongly opposed by motorists. In fact, a 1994 poll taken by Triple-A found that fully two-thirds of its members opposed this toll idea. I have letters from both the Louisville and Lexington chapters of Triple-A opposing this measure.

Madam President, I appreciate the arguments of toll proponents that there is a real need to insure funding for our infrastructure needs. I do not think there is a Member in the Senate who does not believe our transportation infrastructure is of the utmost importance to national commerce and competitiveness.

However, this toll provision is an underhanded money grab that breaks the contract with motorists established through the Intrastate System. This single provision will cripple our ability to transport goods in a timely and cost-effective fashion.

There are other ways to fund infrastructure development that will not require taxing motorists again for something they have already paid for. Congress needs to provide for the full funding of ISTEA and put an end to the gas tax diversion. The \$9 billion in gas tax revenue that has been diverted elsewhere in the budget would go a long way toward improving the condition of our roads, bridges, and tunnels.

America has paid for these roads. Let Americans use them—without added, hidden costs. Let us strike section 117 out of the bill, and protect motorists from new and ingenious ways of extracting more revenue from our Federal Highway System.

Madam President, I ask unanimous consent that several letters from various groups in support of the amendment that Senator BAUCUS and myself have offered be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN AUTOMOBILE ASSOCIATION,  
Washington, DC, June 15, 1995.

Hon. MITCH MCCONNELL,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of AAA's 37 million members, I urge you to introduce an amendment to S. 440, The Na-

tional Highway System Designation Act of 1995, that would repeal the provisions allowing tolling of existing highways.

"The American Automobile Association is against toll roads as a general principle . . . believing all highway facilities should be toll-free. AAA particularly objects to the imposition of tolls on any existing toll-free highway . . ." (AAA Policies, April 1995-96)

Our opposition to tolls is longstanding:

We must have roads suitable and adequate for the movement of modern motor traffic with safety. There must be multiple-lane highways with opposing traffic streams divided. They must be free and not toll roads. . . . (AAA "Bill of Rights," 1936).

The American Automobile Association reiterates its opposition to transcontinental toll superhighways; also to privately-owned toll roads . . . (November, 1938).

The American Automobile Association reiterates its opposition to toll highways. (November, 1939).

The American Automobile Association vigorously opposes the levying of tolls on existing free highways. (November, 1940).

The Association believes that the National System of Interstate Highways should be entirely free of tolls . . . (AAA Policies 1949, 1950, reprinted January, 1951).

Thank you for considering AAA's request. Say Yes to Just NHS.

Sincerely,

RICHARD HEBERT,  
Acting Vice President,  
Public and Government Relations.

AAA BLUE GRASS/KENTUCKY,  
Lexington, KY, June 15, 1995.

Hon. MITCH MCCONNELL,  
Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of the 118,000 AAA members we serve in central and eastern Kentucky, AAA Blue Grass/Kentucky supports S. 440 which would establish a National Highway System. However, we strongly object to any toll provision in the bill.

We oppose a toll provision for several reasons:

Excessive cost.—Historically, toll-free roads have cost the motorist about one cent per mile; new toll roads will cost about 10 cents per mile. Admittedly, all new road construction is going to be more expensive, but toll roads will probably cost 3 to 4 times as much as toll-free roads because of bond interest charges and toll collection costs.

Double taxation.—If gas taxes are used to construct new toll roads, motorists will pay twice—once at the pump, and once at the toll booth.

Breach of Trust.—Highway users have paid literally hundreds of billions of dollars to construct the nation's highway system; they should not now be charged a toll to use it.

Collection Inefficiency.—Currently 10-20% of toll revenues are needed for the collection process while only one percent of motor fuel taxes are devoted for that purpose.

Inconvenient Access.—Toll roads often provide few entrances and exits in order to minimize the number and therefore the costs of toll personnel. Users can't get off the road at convenient places and people in small communities cannot use toll roads built right next to them.

Motorist Irritation and Delay.—Congestion at toll plazas often causes long lines of cars, much to the consternation of the motoring public.

Closed System Economics.—Toll road users are locked into higher-price gas stations, food establishments and other services.

Toll facilities are self-perpetuating.—Agreements to make facilities toll-free after

debt service is paid seldom are implemented. For instance, there are still 4,700 miles of toll roads, bridges and tunnels on the interstate system, with little likelihood that many of these facilities will become toll-free.

Neglect of the toll-free system.—Inevitably, construction of toll roads will lead to toll-free roads not being built in the same transportation corridors. Maintenance of free roads parallel to toll roads may also suffer.

Undermining the Federal Highway Trust Fund.—Increased tolls would weaken pressure on Congress and the administration to spend the money in the Highway Trust Fund.

We appreciate your consideration of our views.

Regards,

KATHY GROSS,  
Manager, Marketing.

AAA KENTUCKY,  
June 15, 1995.

Hon. A.M. "MITCH" MCCONNELL,  
Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR MCCONNELL: AAA Kentucky, serving over 300,000 members in our state, strongly supports an amendment removing the toll provision in S. 440, "The National Highway System Designation Act of 1995". Our opposition to allowing tolls on federally financed highways is rooted in four basic beliefs:

The motorists we serve do not want tolls;  
Tolls are economically regressive;  
Tolls hurt travel and tourism;  
Tolls on federally financed highways are an unfair form of double taxation

#### MOTORISTS DO NOT WANT TOLLS

According to AAA's 1994 National Legislative Survey, two-thirds of AAA members oppose imposing tolls on existing interstates/highways to fund highway maintenance or improvements. Locally, we are tabulating our most recent legislative state survey and the results are running sixty-eight percent against tolls as a method to increase revenues.

#### TOLLS ARE ECONOMICALLY REGRESSIVE

According to the Congressional Budget Office, new toll roads would impose per-car charges of 8 to 10 cents per mile on travelers. This translates into an effective tax rate of an additional \$1.60 to \$2.00 per gallon of gasoline used. In addition, tolls are an inefficient form of taxation. For instance 15 percent of toll revenue is needed just for tax collection compared to only 1 percent of motor fuel taxes being used for collection. These factors combined to illustrate the point that tolls should be the last place we look for additional revenue.

#### TOLLS HURT TRAVEL

As a simple tenant of economics, the more expensive an action becomes, the fewer people will take that action. Toll roads illustrate this axiom by discouraging travel over the tolled section of highways. For example, here in Kentucky the Western Parkway was a toll highway until nine years ago, when tolls were removed. In a conversation with a Kentucky State Trooper, he said he felt that traffic has increased on the road over 25 percent since the tolls were lifted. Similarly, during peak travel times, congestion and delays at toll booths also breed frustration and further discourage travel, increase costs and harm the environment.

#### TOLLS ARE A FORM OF DOUBLE TAXATION

The promise the Federal government makes to motorists every time they pay the gas tax at the pump would be broken with the introduction of tolls. Literally, America's motorists have paid hundreds of billions

of dollars to construct and maintain the nation's highway system. To change the rules now and ask them to pay again as they use the system is clearly a form of double taxation.

For these reasons, AAA Kentucky strongly supports the removal of the toll provision from S. 440. It is vital to pass the NHS Bill as the earliest opportunity. However, while it contains such provisions, AAA finds it unacceptable.

Thank you for your efforts on behalf of Kentucky's, and the nation's, motorists.

Sincerely,

ROGER BOYD,  
*Director, Public Affairs.*

NATSO,  
*June 20, 1995.*

Hon. MITCH MCCONNELL,  
*U.S. Senate,  
Washington, DC.*

DEAR SENATOR MCCONNELL: On behalf of NATSO, Inc., the professional and legislative representative of America's travel plaza and truckstop industry, I am writing to express grave concerns about a provision in S. 440 that would allow states to establish tolls on the Interstate highway system. I understand that you and Senator Baucus are offering an amendment to delete this provision, and the 32 NATSO member locations in Kentucky as well as the more than 1,070 member locations nationwide strongly support your efforts.

NATSO opposes this provision for several reasons. First, highway users have already paid for the Interstate system. Every time fuel is purchased, motorists pay a tax into the highway trust fund that goes to support the Interstate system. Allowing the states the opportunity to collect tolls from Interstate travelers is nothing more than a new tax on the highway user. The Interstate traveler should not be forced to pay again for something already purchased.

Also, this provision will undoubtedly shift traffic from Interstate highways, proven to be the safest and most efficient, to secondary roads that have not been designed to handle large volumes of traffic. This proposal will increase congestion and traffic accidents. It will also devastate the truckstops, travel plazas and thousands of other roadside businesses that provide goods and services to the Interstate traveler.

Finally, if more transportation funds are needed, we believe that Congress should spend down the \$19.6 billion languishing in the highway trust fund. Instead of being used for its intended purpose, the highway trust fund is currently held hostage to make the federal deficit appear smaller. Asking the highway user to pay more—at a time when tax money already collected is not being spent—is wrong.

Again, NATSO strongly supports your amendment to delete this toll provision from S. 440. We will gladly provide assistance to you in your efforts to pass this amendment.

Sincerely,

W. DEWEY CLOWER,  
*President.*

INTERNATIONAL BROTHERHOOD  
OF TEAMSTERS,  
*June 21, 1995.*

DEAR SENATOR: The International Brotherhood of Teamsters urges you to support the effort by Senators Baucus and McConnell to strike section 117 of the National Highway System Bill (S. 440). Section 117 would allow states to impose tolls on interstate highways.

Section 117 is an unnecessary tax increase on the trucking industry and the motoring public. Highway users already pay millions of dollars in taxes annually into the Highway Trust Fund for the construction and re-

pair of interstate highways. Consequently, passage of Section 117 would put the Senate on record as supporting the "double taxation" of highway users. Passage of this additional highway tax will place an economic burden on both the transportation and tourism industries. We encourage you to vote to strike Section 117.

We also encourage you to vote for the amendment likely to be offered by Senator Exon that would establish standards for truck trailer lengths under the NAFTA. We support the Senator's proposal to limit single trailer lengths to fifty three feet. It is imperative that U.S. highway safety standards are not compromised during negotiations to establish common truck safety standards under the NAFTA. Senator Exon's proposal is a critically important step in ensuring that we preserve the highest highway safety standards possible in North America. Sincerely,

WILLIAM W. HAMILTON, JR.,  
*Governmental Affairs Department.*

Mr. MCCONNELL. Madam President, I thank my friend from Virginia. I am pleased that this amendment is going to be accepted.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Virginia.

Mr. WARNER. Mr. President, both sponsors of this amendment have been quite persuasive. There were concerns certainly on our side for a period of time. But that persuasiveness has carried the day, since we are prepared to accept this. It I think goes back to the original situation which ensures that the National Highway System provides for the free flow of commerce. That was the objective of both of the sponsors.

I might also add that during the course of the discussions in the consideration of other amendments on this bill, I find the truckers have been very responsible in the area of supporting the continuation of the speed limit objective that I had and will continue to have, and also in objecting to a differential between cars and trucks. I likewise oppose any differential.

So while criticism is often directed toward them, I think certainly in the consideration of this bill in the three areas, they come up in a very responsible manner.

So if the distinguished Senator from Montana wishes, I believe the junior Senator from Montana wishes to be added as a cosponsor, the Presiding Officer. I ask unanimous consent on behalf both Senator BAUCUS and myself, that the junior Senator, Senator BURNS be added as a cosponsor of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Montana.

The amendment (No. 1447) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, if I could get the attention of my comanager, there may be some amendments. We are still working on a list of amendments that we might clear at any time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, my understanding is that time remaining on the amendment offered by the Senator from West Virginia is 20 minutes equally divided. What is the time remaining on the amendment offered by the Senator from North Dakota?

The PRESIDING OFFICER. The Senator from North Dakota has 3 minutes and 30 seconds. The manager in opposition has 12 minutes and 15 seconds.

Mr. BAUCUS. Mr. President, I ask that the time on the amendment offered by the Senator from West Virginia be yielded in its entirety, and that 10 minutes of that be transferred to the Senator from North Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I thank the chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I yield myself such time as I may consume on my amendment.

The PRESIDING OFFICER. Without objection.

AMENDMENT NO. 1445

Mr. DORGAN. Mr. President, at 7:40 we begin a series of three votes, one of which will be on the amendment I offered. My amendment is one that, again, would establish a national standard to say that States shall enact statutes that call for the prohibition of open containers of alcohol in vehicles. My amendment is not likely to attract sufficient votes to pass, I am guessing, if history is a lesson here.

Some will come to the Chamber and decide, "Well, my State does not have the prohibition for open containers, so I don't want to provide any leadership in Washington." Others will say, "I do not think Washington ought to be telling anybody anything, so I will vote against it."

So we have a circumstance where we have a bill described by the managers to have a national strategy on transportation. But I must say that any bill

that describes itself as a bill of national strategy that fails to provide the leadership necessary to send a message to this country that drinking and driving do not mix is a bill that falls far short on national strategy. It is not much of a strategy, in my judgment.

We now have in this country a requirement that you wear seatbelts. Apparently the message would be, if my amendment does not pass, "Go ahead and get in the car, buckle up, and then go ahead and take a swill of bourbon." It is fine with some. They do not mind if you drink. Just make sure you have your seatbelt on if you drink. I guess it is a policy position that might be attractive to some, but not to those who think clearly.

It seems to me that Senators should understand that in this country every year there are 1 million people injured from drunk driving accidents. Every 25 minutes or so another American is killed from a drunk driving accident. In 11 years, 1982 to 1993, for which we have statistics, 266,000 Americans were killed as a result of alcohol-related accidents.

As I said before, this is not some mysterious disease. We know what causes it and how to stop it. The Europeans know how to stop it largely. They tell people, "Do not even think about drinking and driving. It is not funny. Do not even think about it. If you get caught drunk driving, you are in deep trouble."

There are parts of this country where, if you get caught drunk driving, you get a little slap on the wrist and people grin at you, "You must have been having a good time."

It is not a good time to turn a car into a weapon of murder. That is what happens in this country if we do not have the strength to develop a national standard to say to people, part of the responsible use of our highways in this country is to understand you cannot drink and people in your car cannot drink and you cannot have open containers of alcohol in your car. There is nobody here that can come to the floor and claim a national strategy for the national transportation system until we provide a national strategy to tell Americans that you cannot drink and drive, you cannot have open containers of alcohol in vehicles. Until that happens, no one can reasonably come to the floor of the Senate and say we have a responsible national strategy on transportation or a responsible national strategy with respect to highways.

It is disgusting to me that in this country there are still six States where it is legal to drink and drive, and there are 26 States in which you can have an open container of alcohol in a vehicle. One way or another—one way or another—someday, somehow, we are going to fix that. And we are going to learn the lessons that others in the world have already learned, notably European countries, to tell Americans that part of driving responsibly is to

understand you do not drink and drive in our country. That is what my amendment is intending to do.

I suspect there will not be sufficient votes for my amendment because people will come here and decide that they are not interested in providing national leadership on this issue. And the result will be more Americans will die. And until one day when sufficient numbers will come to the floor of the Senate and the House and decide that the carnage really ought to stop and there is something we can do to stop it, then we will pass an amendment of this type.

Mr. President, I yield whatever time I have remaining to the Senator from New Jersey, Senator LAUTENBERG.

The PRESIDING OFFICER. There are 8 minutes 35 seconds.

The Senator is recognized.

Mr. LAUTENBERG. I thank the Presiding Officer. Mr. President, I rise because there is a confluence of amendments and ideas being put forward at this time that come together to me in a very meaningful way. All of us—all of us, I am sure—have known someone who lost a family member or who themselves were lost because someone was casual about booze and driving.

Perhaps the thing I am most proud of—I am honored to be elected to the Senate; I am honored to have had that opportunity in my life—but the thing that I am most proud of is that I am the father of four wonderful children and two of the most beautiful grandchildren to ever walk the face of the Earth. I am so taken by them that my thoughts are often consumed by the view of the world in which we live and concerned about things that, again, concern all parents—fathers, mothers—that is, the violence in our society, the destruction of young lives needlessly, about the family that we know where a 14-year-old boy was riding in the passenger seat in a car in Florida. The 16-year-old boy was driving. He had open containers of beer in the car. They hit a telephone pole going 70 miles an hour. My friend's son was incinerated. We do not know whether he died before he was burned or whether it was after, but the thought, the notion, the vision of this child—a bright, beautiful young man—was so vivid that it seared the thinking of the community for years after. There have been memorials, there have been testimonials, but nothing—nothing—can ever remove the memory of that tragedy.

But I am also considered the father of the 21-drinking-age bill, not quite like fatherhood in the real sense, but something in which I take a significant measure of pride as well. That law was written in 1984. President Reagan was in office. Elizabeth Dole was the Secretary of Transportation. They were Republicans, devoted Republicans. And yet, throughout that debate, they were very positive. I was invited to be at the signing in the Rose Garden when President Reagan signed the 21-drinking-age bill.

That bill was almost forced on us by the anguish and the grief of parents across the country, of young friends across the country, high school kids—SADD was their organization, MADD was the Mothers Against Drunk Driving, who came here brokenhearted at the loss of a child, typically to drunken driving.

So we worked hard, and we got that bill through. The rewards come every year when we get reports from the National Highway Traffic Safety Administration, when they say that we are saving about a thousand kids a year from dying on the highways—a thousand kids.

It does not sound like something fantastic in the abstract, because a thousand families that do not have to mourn do not know that they escaped the pain. They do not know that they did not lose a child because there is a law on the books that encouraged the appropriate kind of behavior.

Here we are, some 10 years later, 10,000 young people saved from dying on the highways, and I feel very good about the effort that is being made throughout my State and many States in the country to reduce drunk driving, ever more harsh in the punishment of those who abuse the privilege and the opportunity to get behind the wheel of a car and forget about it only too quickly.

I am a strong supporter of Senator BYRD's amendment, which was offered before this, to continue to make the public and the driver more aware of the fact that when they drive and they drink that there is a penalty to be paid, a penalty far less—far less—than the ultimate penalty of winding up a statistic or a phone call in the dark of night or a police officer at the door.

So when we look at legislation, as we consider the national highway bill, and we try, as we develop this 160,000 miles more of supervised or constructive road development, that we focus on the safety issues.

One of the things that is apparent to anyone who has ever seen people driving with a drink container, a glass, a bottle in their hands, or a can, bottoms up going along often at a fast rate of speed, it seems to have particular attraction for young men and often people in the prime of life. They just do not understand that it is not cool, that it is not macho, that it is not anything but disgusting, because if they make a miscalculation, the ball game is over.

Mr. BREAUX. Will the Senator yield for a question?

Mr. LAUTENBERG. Yes.

Mr. BREAUX. I was listening to the Senator's arguments, as well as the arguments of the Senator from North Dakota. I think they were very eloquent about the problems we are facing with drinking while people drive.

I guess a philosophical question I ask the Senator from New Jersey, because I think the Senator from New Jersey supports the theory that on the use of highway funds for transportation purposes that the States should have a

maximum degree of flexibility—if they want to use highway funds, for instance, instead of building highways, they should have the right to use them for Amtrak and rail systems—how does that square with the argument I think the Senator is making now with regard to standards for when people drink within a State that the Federal Government knows better in that area, but the State knows better in the area of what type of transportation system is better within the State? We are going to tell you what to do when it comes to setting limitations on drinking, but we are not going to tell you what to do with how the money is spent for transportation purposes?

Mr. LAUTENBERG. To me, it is a fairly simple differentiation, and that is, in the case of decisions about where funds are spent on transportation, we have agreed in an amendment that we just dealt with that within the State legislature, the Governor and transportation officials within the State are qualified to make decisions about where they put their money—bridges, roadways, railroads, as I see it, mass transit. I think that is one kind of consideration.

But I never believed—never believed—that when it came to the safety of our children, when it came to the helmet law, when it comes to drinking and driving, I do not believe that the Federal Government dare walk away from its responsibilities any more than we ought to walk away from equipping our service people with adequate resources if they are ever in combat, with equipping our people with the best education that they can get, equipping our young people with the best health conditions they can get with proper nutrition. I think that is a responsibility of Government. I think we ought to step forward on all issues affecting people on our roads to try to reduce the danger.

Mr. BREAUX. Will the Senator yield further? Suppose the State says that is their responsibility, as well; let them make that decision?

Mr. LAUTENBERG. In this case, obviously, I am not one who is going over the cliff on behalf of all States rights. I think States ought to have some flexibility in some areas, and in others, I think that there ought to be a national policy that is consistent.

One of the problems that we had—and I know the Senator knew this very well because he was in Washington at that time—one of the problems we had when we tried to develop the 21 drinking age was that there were States, and some of these, not the most rural States, by the way, as one might often think, that refused to raise the drinking age because business was pretty good.

By the way, one of the places was right here in the very Capital of our country. Washington, DC, was one of the last. They made a calculated decision as to whether or not they would raise the drinking age to 21 because

Georgetown sells a lot of booze, and there is a lot of money spent there. So they were almost willing to trade bucks for lives, but the legislation forced them, because they would have lost a fair amount of their transportation money.

Mr. DORGAN. Will the Senator yield to me?

Mr. LAUTENBERG. I will be happy to yield.

Mr. DORGAN. I might respond in part to the Senator from Louisiana by saying this is a question, in part, of whether there ought to be a national standard, not a question of whether the States can do it better. It is a question of do you think there should be a national standard on whether one should drink and drive.

If one takes the position, I think some States ought to say you can drink a little and drive, and another State can say you can drink a lot and drive—because in our State there is a feeling you can drink a lot and drive—and in another State they say we do not think you ought to drink and drive at all, my own view of those three different choices States made is I think it ought not be a State choice. I think we ought to have a national standard on the fundamental question of is it appropriate on the national highways of the United States to drink and drive. The answer to me is no.

Now, one can reach a different conclusion, and I will respect that. But I view this as the question of, should we have a national standard? The answer, clearly to me, is yes. Nowhere in this country should anyone ever believe, under any circumstance, that it is appropriate to get behind the wheel of a car, start the engine, and drive away drinking whiskey. That is totally, always, in every part of this country, inappropriate. I hope that we will have a national standard that will say that.

Mr. BREAUX. If the Senator will yield, I think the discussion is good.

Mr. LAUTENBERG. Yes, I yield.

Mr. BREAUX. I say to the Senator from North Dakota, in discussing this, we have a national transportation highway system, and yet, some would argue, with a lot of eloquence, that the States should have a right to determine whether it is going to be a highway made of concrete or whether it is going to be a rail system that is used to transport people. The State ought to have a right to make that decision.

I have a lot of sympathy that States should make that determination, even though it is a national highway transportation bill. But then when it comes to setting standards for when someone within a particular State should have a right to drink, well, some who make the argument that the States ought to have the flexibility on determining whether they are going to build highways or rail systems, then we are going to supersede you and we are going to determine in Washington what the proper standard is.

In one case, we are saying the States have the right to make that determina-

tion, and in another area we say you are not smart enough to make the right determination, and we have to do it here in Washington. I am bothered by the inconsistency.

Mr. LAUTENBERG. I appreciate the Senators' interests and comments. I say this: If, in Louisiana, a decision was made to build a highway, bridge, or a rail spur, that does not necessarily present any danger or any problems for people in the neighboring States.

However, if State "A" has an open, or has no restrictions on drinking and driving, no open container law, and does not enforce the 21 drinking age law, it invites disaster, because young people from State "B"—we call those blood borders. That is why the 21 drinking age bill was put into place in the first place. These are young kids. I have it in my State. It happened between New Jersey and New York and between Wisconsin and Illinois. There are a lot of instances around the country. Young people in New Jersey—at one point, we had an 18-year-old drinking age. When the law turned to 21 because we were losing too many kids on our highways, New York State invited them over. They would go over and they would come back and come down "slaughter alley," a particular road and often would not make it home. Boy, that convinced me, and I said we ought to have a standard that applies all over. What you do in one State can seriously affect the lives and well-being of others in other States.

The PRESIDING OFFICER. The chair advises the Senator that his time has expired.

Mr. LAUTENBERG. Is there any more time left?

The PRESIDING OFFICER. We have 7 minutes on the other side of the aisle.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, if the Senator from Montana and the Senator from Virginia would be willing—I know we are headed toward a vote, and I was willing to agree to the shortest time agreement. I wonder if they would permit an additional 5 minutes prior to the vote so that the Senator from Arkansas might speak on this issue.

Mr. WARNER. Mr. President, will the Senator restate the request?

Mr. DORGAN. We have apparently 5 or 6 minutes before the votes will begin. I would like some time for the Senator from Arkansas to speak.

Mr. WARNER. How much time does the Senator desire?

Mr. DORGAN. If the Senator would provide 4 or 5 minutes so the Senator from Arkansas can have some time, along with the Senator from New Jersey.

Mr. WARNER. Would 6 minutes be agreeable? We will yield 7.

Mr. President, I make a unanimous consent request that the Senator from North Dakota have 7 minutes under his control.

Mr. DORGAN. I very much appreciate the generosity.

I yield to the Senator from New Jersey.

Mr. LAUTENBERG. I thank the Senator. I will wrap up my comments by noting that around this place lately we have been talking about values, about family, about structure, about behavior. And while we do not regulate behavior here, we talk often about models, examples, and about conduct. One of the worst ways for any child growing up to get a picture of what he or she ought to do in adulthood is someone moving down the road with a beer can, pouring it down their throat at the same time that they are driving. It is not a good image, and it is not a good result. I hope that in the final analysis, the amendment by the Senator from North Dakota will prevail. It is an excellent amendment.

Mr. DORGAN. I yield the remainder of my time to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. I thank the Senator. We are all victims of our own personal experiences. So I will tell you about mine. I was a freshman at Northwestern University Law School in Chicago. My brother was up at Harvard Law School. Both of us were there on the GI bill because I promise you my father could not afford that kind of education for us. One Sunday evening, I got this phone call that my mother and father had been in a car wreck, and the message was obviously tempered. But I got on a plane the first thing the next morning and flew home. It was tough to get home to Fort Smith, AR, from Chicago back in those days.

But to shorten the story, my father owned a small farm over in Oklahoma, just across the Arkansas River from where we lived. He and my mother and a couple next door had gone over to look at the spinach, which was coming up, and they were going to start harvesting it the next day. They were coming back and were 10 miles west of Fort Smith, AR, on what is now I-40—this is the transportation bill. They were on an 18-foot narrow highway with no shoulders, and they came up over a slight hill, just a slight incline, at about dusky-dark—the wrong time, wrong place—roaring drunk, whom a cop had been chasing, but he had a flat tire and he lost him. He went over on my father's side of the road and, blam, our neighbor next door was killed instantly, and my mother died 2 days later. And my father died 5 days later.

I have often wondered about how we establish death penalties in this country. You could not have taken an AK-47 and more deliberately killed my mother and father than to get behind the wheel of an automobile roaring drunk and, in a split second, destroy our family. So I have no problem supporting this amendment, the Byrd amendment, and any other amendment that anybody wants to offer dealing with this subject.

As I was about to say a moment ago, this is a transportation bill. Almost

precisely where my mother and father were killed, today is I-40. If I-40 had been there then, my mother and father would have lived a normal lifespan and we would have had the happiness that should have been ours for at least another 20 years.

So I speak in favor of these magnificent highways we have today that give us some protection. As you know, the death rate on interstate highways is about 80 percent less than it is on all the other two-lane highways, because you do not have to worry about some drunk coming over a hill on the wrong side of the road. So I am pleased that we are trying to improve our highways in this country and give people like my father an opportunity not to have to face drunken drivers who do not have any better judgment than to get roaring drunk. And, as I say, surely as if he had an AK-47 in his hands, he could not have killed those three people any more efficiently.

Why not the death penalty? I have always struggled with the death penalty, I admit it. I voted for it. It has always been a problem. But I have never been able to see the distinction between the people we provide the death penalty for and the guy who served 5 years in the penitentiary for killing my mother and father and their best friend next door.

I will yield the floor and say that I strongly support the Senator from North Dakota, and I strongly support the Senator from West Virginia.

Mr. WARNER. Mr. President, I just wish to say that there are moments in the life of the U.S. Senate that one shall always remember, and I am privileged to have had a long, personal relationship with my good friend from Arkansas, predicated on many, many things that we have done and shared together.

Tonight, the Senator has deeply touched this Senator, as I am sure many others, showing the courage to come over here and share with the Senate that story. I shall not forget it.

Mr. BUMPERS. I thank the Senator.

Mr. WARNER. Mr. President, the co-manager, the Senator from Montana, and I have several amendments which we will now clear with the Senate.

#### AMENDMENT NO. 1448

(Purpose: To require the Secretary of Transportation to cooperate with the State of Wyoming in monitoring the changes in growth along, and traffic patterns of, certain road segments in Wyoming, for the purpose of future consideration of the addition of the route segments to the National Highway System)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] for Mr. THOMAS, proposes an amendment numbered 1448.

Mr. WARNER. I ask unanimous consent further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, line 3, insert "(a) IN GENERAL.—" before "Section".

On page 10, between lines 13 and 14, insert the following:

(b) ROUTES SEGMENTS IN WYOMING.—

(1) IN GENERAL.—The Secretary of Transportation shall cooperate with the State of Wyoming in monitoring the changes in growth along, and traffic patterns of, the route segments in Wyoming described in paragraph (2), for the purpose of future consideration of the addition of the route segments to the National Highway System in accordance with paragraphs (2) and (3) of section 103(c) of title 23, United States Code (as added by subsection (a)).

(2) ROUTE SEGMENTS.—The route segments referred to in paragraph (1) are—

(A) United States Route 191 from Rock Springs to Hoback Junction;

(B) United States Route 16 from Worland to Interstate Route 90; and

(C) Wyoming Route 59 from Douglas to Gillette.

Mr. WARNER. This is an amendment on behalf of the Senator from Wyoming, [Mr. THOMAS].

The amendment does not add new routes, nor does it provide any funds. It encourages the Federal Highway Administration and the State of Wyoming to monitor growth changes in the Wyoming National Highway System.

I urge its acceptance.

Mr. BAUCUS. Mr. President, we have examined this amendment and have no objections.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1448) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1449

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of the two Senators from South Dakota, Mr. PRESSLER and Mr. DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] for Mr. PRESSLER, for himself and Mr. DASCHLE, proposes an amendment numbered 1449.

Mr. WARNER. Mr. President, I ask unanimous consent further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert "(a)" immediately before "Notwithstanding" on page 32, line 17.

Insert a new subsection (b) after page 32, line 25, to read as follows:

"(b) Upon receipt of a written notification by a State, referring to its right to provide notification under this subsection, the Secretary of Transportation shall waive, with respect to such State, any requirement that

such State use or plan to use the metric system with respect to designing, preparing plans, specifications and estimates, advertising, or taking any other action with respect to Federal-aid highway projects or activities utilizing funds authorized pursuant to title 23, United States Code. Such waiver shall remain effective for the State until the State notifies the Secretary to the contrary. Provided further, a waiver granted by the Secretary will be in effect until September 30, 2000."

Mr. PRESSLER. Mr. President, my amendment concerns the issue of metric conversion. It makes clear that in this era of significant budgetary pressures, expenditures on metric conversion does not deserve priority. We must preserve Federal and State transportation funds for more important needs. Let me explain.

The Federal Highway Administration, by regulation, is requiring metric conversion of internal processes for all States by September 30, 1996. If a State is not in compliance, Federal-aid highway funds will be lost. What would such internal conversion entail?

In addition to engineering and planning concerns, this would require States to rewrite their highway and transportation design procedures as well as to rewrite their motor vehicle and drivers license manuals. Their procedures for the purchase of materials and equipment would need to be altered and they would need to provide retraining to workers. All this and more by September 30, 1996.

Would a better approach not be to give States adequate time to allocate resources and provide for internal metric conversion based on their own unique funding priorities? It would.

Mr. President, infrastructure needs and costs continue to increase dramatically. While I am not at all opposed to metric conversion, I believe it could best be accomplished at the discretion of each State. After all, should not each State be allowed to consider their unique funding needs? They should. And that is what my amendment would allow.

Specifically, my amendment would allow the Secretary of Transportation to waive, upon the receipt of a written notification by a State, any requirement that such State use or plan to use the metric system with respect to designing, preparing plans, specifications and estimates, advertising, or taking any other action with respect to Federal-aid highway projects or activities. The waiver would be in effect until September 30, 2000.

Mr. President, my amendment has no budget impact. However, it would help States with limited resources to deliver more services to their citizens. Should that not be our primary objective? I urge my colleagues to support my amendment.

Mr. WARNER. On behalf of Senators PRESSLER and DASCHLE, the managers send this amendment.

We accept the amendment to provide States until the year 2000 to convert their internal working documents to the metric measurements.

Mr. BAUCUS. Mr. President, we accept this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1449) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1450

(Purpose: To clarify eligibility of a Luzerne County, Pennsylvania rail freight acquisition and improvement project for certain federal transportation funds)

Mr. WARNER. Mr. President, I send to the desk on behalf of the Senator from Pennsylvania, [Mr. SPECTER] an amendment and ask for its immediate consideration.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] for Mr. SPECTER, proposes an amendment numbered 1450.

Mr. WARNER. I ask unanimous consent further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

#### SEC. . CLARIFICATION ELIGIBILITY.

The improvements to the former Pocono Northeast Railway Company freight rail line by the Luzerne County Redevelopment Authority that are necessary to support the rail movement of freight, shall be eligible for funding under sections 130, 144, and 149 of title 23, United States Code.

Mr. WARNER. Mr. President, this amendment allows for the economic redevelopment of the former Pocono Northeast Railway Co. No funds are involved.

Mr. BAUCUS. Mr. President, we have no objection on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1450) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1451

(Purpose: To provide States with innovative financing options for projects with dedicated revenue sources)

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] for Mr. LEVIN, proposes an amendment numbered 1451.

Mr. BAUCUS. Mr. President, I ask unanimous consent further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

#### SEC. 204. TOLL ROADS, BRIDGES, TUNNELS, NON-TOLL ROADS THAT HAVE A DEDICATED REVENUE SOURCE, AND FERRIES.

Section 129 of title 23, United States Code, is amended—

(1) by revising the title to read as follows:

**"§ 129. Toll roads, bridges, tunnels, non-toll roads that have a dedicated revenue source, and ferries"; and**

(2) by revising paragraph 129(a)(7) to read as follows:

**"(7) LOANS.—**

**"(A) IN GENERAL.—**A State may loan an amount equal to all or part of the Federal share of a toll project or a non-toll project that has a dedicated revenue source, specifically dedicated to such project or projects under this section, to a public entity constructing or proposing to construct a toll facility or non-toll facility with a dedicated revenue source. Dedicated revenue sources for non-toll facilities include: excise taxes, sales taxes, motor vehicle use fees, tax on real property, tax increment financing, or such other dedicated revenue source as the Secretary deems appropriate.

Mr. LEVIN. Mr. President, I am offering an amendment to make a simple change to S. 440, the National Highway System [NHS] Designation Act of 1995.

The amendment will allow States to lend all or part of the Federal share of the costs of transportation projects to public entities, so long as there is a dedicated revenue source associated with that project. Current law only allows toll projects to be eligible for this kind of financing. The increased flexibility provided by this amendment should help States and local governments that need more transportation funds to proceed with or continue construction of a greater number of vital projects.

Mr. President, I am pleased that my colleagues are able to accept this amendment.

Mr. BAUCUS. Mr. President, the managers offer this amendment on behalf of Senator LEVIN. This amendment provides for innovative financing options for States. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1451) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1452

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Senators ABRAHAM and LEVIN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] for Mr. ABRAHAM, for himself and Mr. LEVIN, proposes an amendment numbered 1452.

Mr. WARNER. I ask unanimous consent further reading be dispensed with.



The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike lines 7 through 10 on page 33 and insert the following:

"(5)(A) I-73/74 North South Corridor from Charleston, South Carolina, through Winston-Salem, North Carolina, to Portsmouth, Ohio, to Cincinnati, Ohio, to termini at Detroit, Michigan, and Sault Ste. Marie, Michigan."

Mr. LEVIN. Mr. President, this amendment makes one minor change to S. 440, the National Highway System [NHS] Designation Act of 1995.

The change will modify the current northern terminus of NHS high-priority corridor Interstate 73/74. Currently, the bill designates Detroit, MI, as the only northern end of that corridor. This amendment adds Sault Ste. Marie, another major border crossing, as an additional terminus. The actual route to each terminus will be determined by the Federal Highway Administration [FHA] and the Michigan Department of Transportation [MDOT] after appropriate studies are completed.

Mr. President, I am pleased that my colleagues are able to accept this amendment.

Mr. WARNER. Mr. President, this amendment is a modification to the I-73 route in Michigan. The managers are pleased to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1452) was agreed to.

Mr. BAUCUS. I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1453

(Purpose: To provide for the transfer of funds between certain demonstration projects in Louisiana)

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] for Mr. BREAUX, proposes an amendment numbered 1453.

Mr. BAUCUS. I ask unanimous consent further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title I, insert the following:

#### SEC. 1 . TRANSFER OF FUNDS BETWEEN CERTAIN DEMONSTRATION PROJECTS IN LOUISIANA.

Notwithstanding any other law, the funds available for obligation to carry out the project in West Calcasieu Parish, Louisiana, authorized by section 149(a)(87) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 101-17; 101 Stat. 194) shall be made available for obligation to carry out the project for Lake Charles, Louisiana, authorized by item 17 of the table in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 101-240; 105 Stat. 2038).

Mr. BAUCUS. Mr. President, the managers this amendment offer on behalf of Senator BREAUX, to clarify the use of funds previously authorized for a Louisiana project.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1453) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Now, Mr. President, I ask unanimous consent that on the amendment by the Senator from Montana, Mr. BAUCUS, just adopted, Senator SIMPSON of Wyoming be listed as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1454

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] for Mr. BUMPERS, proposes an amendment numbered 1454.

Mr. BAUCUS. I ask unanimous consent further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

#### SEC. . NORTHWEST ARKANSAS REGIONAL AIRPORT CONNECTOR.

Notwithstanding any other provision of law, the Federal share for the intermodal connector to the Northwest Arkansas Regional Airport from U.S. Highway 71 in Arkansas shall be 95 percent.

Mr. BAUCUS. Mr. President, this amendment on behalf of Senator BUMPERS of Arkansas provides uniform match for intermodal connector as part of U.S. 71 to the Northwest Arkansas Regional Airport.

Mr. WARNER. Mr. President, we accept this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1454) was agreed to.

Mr. WARNER. Mr. President, the amendments are in order to be voted on. There will be the normal period of time allocated for the first amendment.

Might I inquire as to whether or not we could get consent to have the sequential amendments 10 minutes each?

Mr. BAUCUS. Yes.

Mr. WARNER. Mr. President, I ask unanimous consent that following the first vote occurring this evening, the remaining votes—and there are two now scheduled—be in sequence and be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### VOTE ON MOTION TO TABLE AMENDMENT NO. 1444

The PRESIDING OFFICER. Under the previous order, the question occurs on the motion to table amendment No.

1444, offered by the Senator from Delaware, [Mr. ROTH].

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. DEWINE). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 36, nays 64, as follows:

[Rollcall Vote No. 276 Leg.]

#### YEAS—36

Ashcroft	Domenici	Kyl
Baucus	Faircloth	Lugar
Bingaman	Frist	McConnell
Bond	Glenn	Nickles
Brown	Grams	Packwood
Bryan	Grassley	Shelby
Coats	Gregg	Simpson
Cochran	Helms	Smith
Conrad	Hutchison	Thomas
Coverdell	Inhofe	Thompson
Craig	Kassebaum	Thurmond
Dole	Kempthorne	Warner

#### NAYS—64

Abraham	Gorton	Mikulski
Akaka	Graham	Moseley-Braun
Bennett	Gramm	Moynihan
Biden	Harkin	Murkowski
Boxer	Hatch	Murray
Bradley	Hatfield	Nunn
Breaux	Heflin	Pell
Bumpers	Hollings	Pressler
Burns	Inouye	Pryor
Byrd	Jeffords	Reid
Campbell	Johnston	Robb
Chafee	Kennedy	Rockefeller
Cohen	Kerrey	Roth
D'Amato	Kerry	Santorum
Daschle	Kohl	Sarbanes
DeWine	Lautenberg	Simon
Dodd	Leahy	Snowe
Dorgan	Levin	Specter
Exon	Lieberman	Stevens
Feingold	Lott	Wellstone
Feinstein	Mack	
Ford	McCain	

So, the motion to lay on the table the amendment (No. 1444) was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, the managers would like to address the Senate. May we have order.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Virginia.

Mr. WARNER. It is the judgment of the managers that we can complete this bill tonight provided we can get a list of amendments which would remain in order. We are now compiling that list, and the managers urge all Senators who have any question about any amendment to kindly approach the desk here and address the managers or their staff, such that at the conclusion of this vote but before the third vote we can pose a unanimous consent request with regard to the remaining amendments, all of which we hope we can resolve without rollcall votes.

Mr. BIDEN. Mr. President, I wonder whether the managers of the bill are willing to have a voice vote on adoption of this amendment now.

Mr. WARNER. Mr. President, I agree.

Mr. BIDEN. Mr. President, I would urge adoption of the Roth-Biden

amendment and ask for a voice vote on that now.

The PRESIDING OFFICER. Without objection, the yeas and nays are vitiated.

The question is on agreeing to the amendment.

The amendment (No. 1444) was agreed to.

Mr. BIDEN. Mr. President, I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### VOTE ON AMENDMENT NO. 1446

The PRESIDING OFFICER. The question now occurs on agreeing to Amendment No. 1446 offered by the Senator from West Virginia [Mr. BYRD]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 64, nays 36, as follows:

#### [Rollcall Vote No. 277 Leg.]

##### YEAS—64

Abraham	Feinstein	McCain
Akaka	Ford	McConnell
Baucus	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Gramm	Moynihan
Boxer	Harkin	Murkowski
Bradley	Hatch	Murray
Breaux	Hatfield	Pell
Bryan	Heflin	Pryor
Bumpers	Helms	Reid
Byrd	Hollings	Robb
Chafee	Hutchison	Rockefeller
Cochran	Inouye	Sarbanes
Cohen	Johnston	Simon
Conrad	Kassebaum	Simpson
D'Amato	Kennedy	Specter
Daschle	Kerrey	Stevens
DeWine	Kerry	Thurmond
Dodd	Kohl	Warner
Domenici	Lautenberg	Wellstone
Dorgan	Levin	
Exon	Lieberman	

##### NAYS—36

Ashcroft	Frist	Mack
Bennett	Graham	Nickles
Bond	Grams	Nunn
Brown	Grassley	Packwood
Burns	Gregg	Pressler
Campbell	Inhofe	Roth
Coats	Jeffords	Santorum
Coverdell	Kempthorne	Shelby
Craig	Kyl	Smith
Dole	Leahy	Snowe
Faircloth	Lott	Thomas
Feingold	Lugar	Thompson

So the amendment (No. 1446) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the managers are anxious to determine what amendments remain, in the hopes that we can establish a list and to lock in those amendments, and then determine whether or not rollcall votes are required.

The amendments that this manager knows of, and I know that my distin-

guished colleague has others, are as follows: Senators FRIST, COHEN, SMITH, HATFIELD, MCCAIN second amendment, both Senators from Alaska and Senator INOUE, plus, of course, a managers' amendment.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, as near as I can determine, on our side there is an amendment by Senator JOHNSTON dealing with high-priority corridors; Senators SARBANES and MIKULSKI may have a colloquy. I am not sure if that is an amendment or not. Senator FORD, Senator INOUE, Senator EXON has three amendments, Senator WELLSTONE, Senator KERRY, Senator BOXER with two amendments.

Mr. WARNER. Mr. President, are there other Senators who wish to express an interest in the amendments? If not, I ask unanimous consent that the list, as stated by the Senator from Virginia, as amended by the Senator from Montana, represent the totality of the amendments that can be further considered on this bill.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WARNER. I assure the Senator from Alaska, both of his amendments are on the list.

Mr. STEVENS. I still object.

Mr. WARNER. Objection has been heard.

#### VOTE ON AMENDMENT NO. 1445

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1445, offered by the Senator from North Dakota, Senator DORGAN. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 52, as follows:

#### [Rollcall Vote No. 278 Leg.]

##### YEAS—48

Akaka	Glenn	McCain
Biden	Gorton	McConnell
Boxer	Harkin	Mikulski
Bradley	Hatch	Moseley-Braun
Bumpers	Hatfield	Moynihan
Byrd	Heflin	Murray
Chafee	Helms	Pell
Cohen	Hollings	Pryor
Conrad	Inouye	Reid
D'Amato	Kassebaum	Rockefeller
Daschle	Kennedy	Sarbanes
DeWine	Kerrey	Simon
Dodd	Kerry	Simpson
Exon	Lautenberg	Stevens
Feinstein	Levin	Thurmond
Ford	Lieberman	Wellstone

##### NAYS—52

Abraham	Bryan	Domenici
Ashcroft	Burns	Dorgan
Baucus	Campbell	Faircloth
Bennett	Coats	Feingold
Bingaman	Cochran	Frist
Bond	Coverdell	Graham
Breaux	Craig	Gramm
Brown	Dole	Grams

Grassley	Lott	Santorum
Gregg	Lugar	Shelby
Hutchison	Mack	Smith
Inhofe	Murkowski	Snowe
Jeffords	Nickles	Specter
Johnston	Nunn	Thomas
Kempthorne	Packwood	Thompson
Kohl	Pressler	Warner
Kyl	Robb	
Leahy	Roth	

So the amendment (No. 1445) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote and to lay that motion on the table.

Mr. DORGAN. Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. SANTORUM). The question is on agreeing to the motion to table the motion to reconsider. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Maine [Mr. COHEN] and the Senator from Alabama [Mr. SHELBY] are necessarily absent.

Mr. FORD. Mr. President, I announce that the Senator from Delaware, [Mr. BIDEN], the Senator from Louisiana, [Mr. BREAUX], the Senator from California, [Mrs. FEINSTEIN], the Senator from South Carolina, [Mr. HOLLINGS], the Senator from Arkansas, [Mr. PRYOR], and the Senator from Illinois, [Mr. SIMON] are necessarily absent.

The result was announced—yeas 51, nays 41, as follows:

#### [Rollcall Vote No. 279 Leg.]

##### YEAS—51

Abraham	Feingold	Lugar
Ashcroft	Frist	Mack
Baucus	Gorton	McCain
Bennett	Graham	Murkowski
Bingaman	Gramm	Nickles
Bond	Grams	Nunn
Brown	Grassley	Packwood
Bryan	Gregg	Pressler
Burns	Hutchison	Robb
Campbell	Inhofe	Roth
Coats	Jeffords	Santorum
Cochran	Johnston	Smith
Coverdell	Kassebaum	Snowe
Craig	Kempthorne	Specter
Dole	Kohl	Thomas
Domenici	Kyl	Thompson
Faircloth	Lott	Warner

##### NAYS—41

Akaka	Glenn	McConnell
Boxer	Harkin	Mikulski
Bradley	Hatch	Moseley-Braun
Bumpers	Hatfield	Moynihan
Byrd	Heflin	Murray
Chafee	Helms	Pell
Conrad	Inouye	Reid
D'Amato	Kennedy	Rockefeller
Daschle	Kerrey	Sarbanes
DeWine	Kerry	Simpson
Dodd	Lautenberg	Stevens
Dorgan	Leahy	Thurmond
Exon	Levin	Wellstone
Ford	Lieberman	

##### NOT VOTING—8

Biden	Feinstein	Shelby
Breaux	Hollings	Simon
Cohen	Pryor	

So the motion to lay on the table the motion to reconsider was agreed to.

#### THE ALAMEDA CORRIDOR PROJECT

Mrs. BOXER. Mr. President, I would like to ask the distinguished chairman of the Committee on Environment and Public Works a question of a clarifying nature regarding the provision in S. 440 which identifies and establishes the Alameda transportation corridor in my State of California as a "high-priority corridor" under section 1105 of the Intermodal Surface Transportation and Efficiency Act.

Mr. CHAFEE. I would be happy to yield to the Senator from California for a question.

Mrs. BOXER. Let me begin by first commending Senator CHAFEE, the committee chairman, Senator WARNER, chairman of the Subcommittee on Transportation and Infrastructure, and my ranking member Senator BAUCUS for their support in recognizing the Alameda corridor as a project of critical importance not only to California's but to the Nation's economy.

In recent months, the attention of Congress has been focused on how to reduce our budget deficit and how to restructure infrastructure spending. As important as these goals are, it remains critical in this new era in the Federal budget process to support infrastructure projects which have national significance. I support innovative solutions to meet our transportation infrastructure needs.

The Alameda transportation corridor is one of the most critically important infrastructure projects for the Nation. The project will streamline rail and highway transportation between the ports of Los Angeles and Long Beach, and intermodal connections in downtown Los Angeles. The rail portion of the project will consolidate the operations of three freight carriers into one higher speed corridor and eliminate conflicts with highway crossings. Highways will also be improved to provide better access from the ports to the freeways. The increased transportation efficiency will provide the added benefit of decreased air pollution.

Last year the ports handled \$74.3 billion in exported or imported goods. That amount represents 27 percent of the national value of exports and imports. This volume of shipments produces more than \$17.3 billion in Federal, State, and local taxes nationwide. With completion of the project, these figures will substantially increase. The ports estimate that the project will increase national economic output by an estimated \$170 billion annually and will increase total Federal revenues by approximately \$32 billion.

The Alameda corridor will mean billions in increased trade for the United States, hundreds of millions in new tax revenue to State and local govern-

ments throughout the country, and the addition of hundreds of thousands of jobs nationwide.

Recognizing the national significance of the project, Mr. President, I would like to pose the following question to Senator CHAFEE: As I understand section 1105 of ISTEA, the designation of the Alameda transportation corridor as a "high-priority corridor" under this section will enable the Secretary of Transportation to work cooperatively with the project sponsors on using creative financing to advance the project, including eligibility for a line a credit. Is that correct?

Mr. CHAFEE. Yes. The designation of the Alameda transportation corridor as a "high-priority corridor" reflects the committee's determination that the project merits an ongoing Federal role based upon the long-term potential benefits to interstate and international commerce. The Alameda corridor is, indeed, a project of national significance.

Under section 1105, high-priority corridors are eligible for creative financing with the Secretary. This eligibility includes participation in the Priority Corridor Revolving Loan Fund, the establishment of a line of credit, and other methods of financing. The section 1105 "high-priority" designation allows the corridor project to help itself by making it eligible for these innovative financing options.

I would encourage the Secretary to work with the project sponsors to identify and pursue those creative financing options that will assist the timely completion of the project.

Mrs. BOXER. I thank the chairman. I appreciate the clarification and again commend him for his assistance in moving this project forward.

Mr. ROBB. Mr. President, I rise today to speak briefly about several votes on amendments to the National Highway System Designation Act of 1995. These votes did not reflect a lack of support for helmet and seatbelt laws or speed limits on our highways. They reflected a choice as to the appropriate level of government to make those decisions. I believe these decisions are better decided, not by the Federal Government, but by each individual State, taking into consideration local conditions and local demographics.

Issues involving highway safety have always been important to me, dating back to my years as Governor of the Commonwealth of Virginia. I know the members of the Virginia General Assembly and the citizens of my State care very deeply about these issues as well.

Mr. President, existing Federal requirements forcing States to impose safety belt and helmet laws have had their intended consequences. Most States have enacted helmet and seatbelt laws. In my view, the time has come to remove the Federal Government from issues which properly fall within the province of the States. In the spirit of devolving non-Federal re-

sponsibilities to the States, I think we can start with ending the Federal role in setting traffic laws. At some point, we must trust the States on issues which fall particularly within their areas of expertise and for which they bear the full responsibility of enforcement.

To conclude, Mr. President, my votes yesterday were not to repeal safety laws or speed limits. I personally support helmet laws and seatbelt requirements. My votes were to allow Virginia and other States to use their own expertise to determine the laws that will best serve their citizens and enhance their safety.

Mr. DOLE. Mr. President, I join my colleagues today as a cosponsor of S. 440 to encourage the adoption of this legislation designating the National Highway System. This bill contains significant reforms that are important to Kansas and our country's transportation system.

There has been a great deal of support for the designation of the National Highway System. The 159,000 miles identified in this bill represent each State's primary routes connecting major population centers, transportation facilities, and other intermodal efforts. Our highway system is a network whose maintenance and upkeep are crucial to our economy. As new technological developments for intermodal transportation are created, the interconnectivity of our country's transportation system becomes increasingly important. This designation will allow for much needed funds to flow to our States directly.

I appreciate the efforts of Senator WARNER and Senator CHAFEE to address specific areas of concern for Kansas. The designation of the I-35 corridor identifies an existing route from Texas to Kansas to Minnesota that is a valuable link between Mexico and Canada. The demands on these transportation routes connecting Canada, the United States, and Mexico will only increase. As our demand for trade among these countries grows, so will our need to develop and maintain these transportation routes.

Several issues addressed in this bill have long been in need of attention. The repeal of the crumb rubber mandate, removal of metric measurements requirements, and hours of service clarifications are of great interest to many Kansans. Although we did not pursue the repeal of Davis-Bacon in this legislation, the repeal of this outdated law will continue to be a high priority. Throughout this debate, efforts have been made to give the States a greater role in setting their own transportation policy. The issue is not whether there should be a speed-limit or mandatory helmet or seatbelt law. The issue is who decides: is it Congress or each of the respective States?

In addition, I would like to thank Senator CHAFEE for joining with me in addressing the concerns of water-well